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Washington, Wednesday, August 18, 1948

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9986

SALE OF VESSELS OF THE NAVY

By virtue of authority vested in me by section 5 of the act of March 3, 1883, 22 Stat. 599 (34 U. S. C. 492), it is hereby ordered as follows:

1. Vessels of the Navy stricken from the Navy Register pursuant to section 2 of the act of August 5, 1882, 22 Stat. 296 (34 U. S. C. 491), and not subject to disposition under any other law, may be sold at public sale to the highest acceptable bidder, pursuant to section 5 of the said act of March 3, 1883, regardless of their appraised value, after being advertised for sale for a period of not less than thirty days.

2. This order supersedes Executive Order No. 9641 of October 15, 1945, entitled "Sale of Certain Combatant Vessels of the Navy."

HARRY S. TRUMAN

THE WHITE HOUSE,
August 16, 1948

[F. R. Dc. 48-7481; Filed, Aug. 17, 1948; 11:17 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

MISCELLANEOUS AMENDMENTS

1. The following sections are hereby revoked:

Section 24.32 *Agricultural bacteriologist, P–418–2–3;* § 24.36 (a) (10) *Agricultural bacteriologist;* § 24.48 *Bacteriologist (medical), P–418–0 (all grades);* § 24.49 *Serologist, P–418–0 (all grades).*

2. The following section is hereby added:

§ 24.88 *Bacteriologist, P–418–1–8*—(a) *Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full four-year course in an accredited college or university leading to a bachelor's degree with major study in bacteriology or in a biological science including at least 6 semester hours in bacteriology;

(2) Courses in bacteriology or in biological science in an accredited college or university, consisting of lectures, recitations, and laboratory work totaling 20 semester hours, at least 6 of which are in bacteriology; plus additional appropriate experience or education which, when combined with the 20 semester hours, will total 4 years of education and experience and give the applicant a technical knowledge comparable to that which would have been acquired through successful completion of a four-year college course.

NOTE: For those positions involving highly technical research, development, or similar complex scientific functions, certification may be restricted to those eligibles who show the successful completion of a full college course as prescribed in paragraph (a) (1) of this section.

(b) *Duties.* Bacteriologists perform the following duties, among others, in collaboration with or under direction of a higher grade bacteriologist: Conduct experiments, research, and investigations in the field of bacteriology for the determination of causative agents of bacteriological diseases of plants and animals and related phenomena; present the results as scientific reports or articles for publication; and act as consultants to Federal agencies on all types of problems in the field of bacteriology.

(c) *Knowledge and training requisite for the performance of duties.* The duties of bacteriologist cannot be performed successfully without a sound knowledge of the basic biological sciences and specific scientific training in bacteriology, augmented by more generalized scientific information in the related sciences. Appointees must have aptitude and training in the methods of original research, the ability to discover and interpret new relationships in bacteriology and related fields, and an intimate knowledge of the latest laboratory equipment and laboratory techniques used

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

in the field of the biological sciences. This knowledge and training can be gained only through a directed course of study in an accredited college or university with well-equipped laboratories and thoroughly trained instructors, where progress is competently evaluated.

(Sec. 5, 58 Stat. 388; 5 U. S. C. Sup. 854)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ARTHUR S. FLEMMING,
Acting President.

[F. R. Doc. 48-7427; Filed, Aug. 17, 1948; 9:00 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

PART 97—LOANS BY REGIONAL AGRICULTURAL CREDIT CORPORATION OF WASHINGTON, D. C., TO FUR FARMERS

Title 6, Chapter I of the Code of Federal Regulations is hereby amended by adding thereto the following new Part 97:

Pursuant to the authority of section 201 (e) of the Emergency Relief and Construction Act of 1932, as amended (12 U. S. C. 1148), and Public Law 860, 80th Congress, the following rules and regulations are hereby promulgated to govern the extension of credit to fur farmers:

Sec.
97.1 General policies.
97.2 Eligible borrowers.
97.3 Loan purposes.
97.4 Applications.
97.5 Use of loan proceeds; right to withhold advances.
97.6 Security.
97.7 Maturity of loans.
97.8 Loans to corporations.
97.9 Other creditors.
97.10 Interest and other charges.
97.11 Sales of pelts or breeding animals; remittances of proceeds.
97.12 Amendments.

AUTHORITY: §§ 97.1 to 97.12, inclusive, issued under sec. 201 (e), 47 Stat. 713, Pub. Law 860, 80th Cong.; 12 U. S. C. 1148; E. O. 6084, March 27, 1933, 6 CFR 1.1 (m).

§ 97.1 *General policies.* This program is instituted pursuant to the provisions of Title II of Public Law 860, 80th Congress, which authorizes the Corporation "to make loans, during a period of five years, to bona fide fur farmers in accordance with the provisions of section 201 (e) of the Emergency Relief and Construction Act of 1932, as amended (12 U. S. C. 1148), all such loans to carry full personal liability of the borrowers and to be secured by such collateral as is deemed by the Corporation to be necessary to afford reasonable assurance of repayment * * *"

The following general principles and policies will serve as a guide to the Corporation's representatives in determining, according to their best judgment, whether a loan should be made in the amount applied for, or in a smaller amount, or whether the application should be declined.

(a) The primary purpose of this program is to make loans to bona fide fur farmers to enable them to carry on their operations, rather than to refinance existing indebtedness or provide for major expansions of individual farm programs. Accordingly loans will not be made to refinance existing indebtedness except in special cases where such refinancing is essential to enable the fur farmer to continue operations. Where the Corporation deems it necessary a reduction of the indebtedness will be a prerequisite to such refinancing. Where the present creditor is unwilling or unable to extend further credit but will execute a subordination for the loans or advances previously made by him, the Corporation may provide further credit for continuing the operation of the fur farm.

(b) All loans made under the program are expected to be repaid; they shall carry the full personal liability of the borrower and are to be secured by such collateral as is deemed by the Corporation to be necessary to afford reasonable assurance of repayment.

(c) The program is not a substitute for other sources of credit, nor is it intended to compete with other lenders. Its purpose is to supplement other sources of credit when needed. Each fur farmer will be urged to obtain or continue to obtain his financial requirements, if possible, from a bank, production credit association, or other lending source. The Corporation will require the applicant to submit evidence of his inability to obtain financing from such other sources.

(d) Loans will not be made for the purchase of real estate or for extensive permanent improvements on the farm or for expansion beyond the capacity of the applicant's present facilities. Loans for repairs and necessary minor improvements will be considered if it is shown that by making such repairs and improvements operating results will be improved.

(e) The Corporation reserves the right to sell or assign without recourse any note acquired by it to any bank or other lending institution desiring to purchase the paper, subject to the written consent of the notemaker. An equitable charge will be made by the Corporation to the purchaser of any such notes to reimburse the Corporation for expenses incurred in making the loan.

(f) All credit information obtained in connection with any application for a loan shall be held in strict confidence by all representatives, officials, or other employees, who have occasion to handle such applications or other papers, and shall not be released or divulged except upon specific approval of an officer of the Corporation.

§ 97.2 *Eligible borrowers.* Any bona fide fur farmer now actually engaged in the breeding or production of fur-bearing animals in captivity is eligible to borrow from the Corporation when he can qualify under the terms and conditions set forth herein and in the application and agreements required by the Corporation to be executed in connection with such loans. Loans shall be made direct to borrowers. It is contemplated that the majority of eligible borrowers will be those farmers engaged in the breeding or production of fox or mink who are in distress due to general economic conditions.

§ 97.3 *Loan purposes.* Loans may be made to finance the breeding, feeding and marketing of animals and pelts. Loans for repairs and necessary minor improvements may also be made provided the sums required for these purposes are reasonable in amounts and there is an indication that the applicant will be able to improve his financial situation through such loans and continue in business.

§ 97.4 *Applications.* Each applicant for a loan will be required to submit his application on the form prescribed by the Corporation. The applicant may obtain this form from the Regional Agricultural Credit Corporation in Washington, D. C. The form should be completed and returned to the office of the Corporation in Washington. The completed application will then be reviewed and if it appears that the applicant may qualify for a loan, an inspector approved by the Corporation will make an inspection of the applicant's animals and other property. If an applicant for a loan prefers, the inspector will present the application form to the applicant and assist him (if necessary) in the completion of the form. The amount applied for should provide sufficient funds to carry the operation to the maturity of the loan. An operating expense budget providing for monthly or bi-monthly disbursement of operating expense funds

will be prepared by the applicant and submitted in the application for a loan. All applications for loans will be subject to approval by the Washington, D. C., office of the Corporation.

§ 97.5 *Use of loan proceeds; right to withhold advances.* Each applicant for a loan will be required to agree to use the proceeds of his loan in accordance with the terms of his operating budget. All commitments with respect to future advances shall be optional with the Corporation.

§ 97.6 *Security.* All notes shall be secured by mortgages conveying a first and paramount lien on all of the pelts and the fur-bearing animals and their increase. Additional security in the form of liens on feed (on hand or to be purchased or raised), equipment, real estate, and other property may be required.

§ 97.7 *Maturity of loans.* The maturity date of all notes will generally be on or before December 31, in the year in which the loans are made.

§ 97.8 *Loans to corporations.* Notes of each corporate borrower shall be endorsed or guaranteed by the holder or holders of a majority of the outstanding shares of voting stock of such corporate borrower, or by the principal stockholder or stockholders. The Regional Agricultural Credit Corporation reserves the right to require the pledge of the shares of stock of the endorsing stockholders.

§ 97.9 *Other creditors.* As a condition to the granting of a loan, the Regional Agricultural Credit Corporation may require the applicant to obtain from all creditors, whether secured or unsecured, such waivers or subordinations as are necessary to afford it a first and paramount lien on the chattels offered or required as security for the loan. The Regional Agricultural Credit Corporation may also require standstill or non-disturbance agreements from holders of chattel and real estate mortgages constituting liens upon property of the applicant, and these agreements may be so drawn as to remain in effect so long as the Regional Agricultural Credit Corporation is a creditor of the borrower.

§ 97.10 *Interest and other charges.* Interest will be charged on all loans and advances at the rate of 5½ percent per annum. An additional charge of 1 percent of the loan proceeds will be made to partially reimburse the Regional Agricultural Credit Corporation for inspection and other handling costs. The costs of title examination and recordation of necessary legal instruments incidental to the loan are to be borne by the borrower.

§ 97.11 *Sales of pelts or breeding animals; remittances of proceeds.* All net proceeds of sales of pelts or breeding animals are required to be remitted to the Regional Agricultural Credit Corporation. The applicant for a loan will be required to indicate the manner in which pelts or animals are normally disposed of—whether through auction or otherwise—and to furnish accounts of sales showing the quantity, grade, sales price, selling charges and other costs deducted, and the net proceeds remitted. The Corporation reserves the right to notify auction houses and buyers of the mortgages held by it. All remittances are to be forwarded direct to the: Regional Agricultural Credit Corporation, Farm Credit Administration, U. S. Department of Agriculture, Washington 25, D. C.

§ 97.12 *Amendments.* The Regional Agricultural Credit Corporation reserves the right to amend the regulations in this part without notice, and to prescribe such additional rules and regulations as may be deemed necessary to protect the interests of the Corporation.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[SEAL] I. W. DUGGAN,
Governor.

AUGUST 11, 1948.

[F. R. Doc. 48-7401; Filed, Aug. 17, 1948; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

DETERMINATION RELATIVE TO BUDGET OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1948–49 FISCAL PERIOD

The administrative committee, established under Marketing Order No. 57 (7 CFR Cum. Supp. 957.0 et seq., 6 F. R. 4508) regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon is the agency authorized to administer the terms thereof, among which the provisions of § 957.9 authorize said committee to incur such expenses and collect such assessments as the Secretary finds may be necessary. Said Administrative Committee has presented a proposed budget of expenses and a proposed rate of assessment for the current fiscal period ending June 30, 1949. After considering all relevant matters, including the proposed budget of expenses and the proposed rate of assessment submitted by said committee, it is hereby found and determined that:

§ 957.201 *Budget of expenses and of assessment.* The expenses necessary to be incurred by the Administrative Committee, established pursuant to the aforesaid marketing order, to enable such committee to perform its functions pursuant to provisions of the aforesaid marketing order and regulations duly issued thereunder during the fiscal period ending June 30, 1949, will amount to $15,500.00 The rate of assessment to be paid by each handler who first handles potatoes shall be fifty cents per carload or fraction thereof, or per truckload of 10,000 pounds or more, of potatoes shipped by him as the first shipper thereof during such fiscal period, and such rate of assessment is hereby fixed as each such handler's pro rata share of the aforesaid expenses; *Provided*, That no assessment shall be paid for a shipment or shipments of potatoes for consumption by a charitable institution or institutions or for distribution for relief purposes or for distribution by a relief agency or agencies.

It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, and engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because:

(a) Harvesting and shipping of potatoes grown in the production area covered by Order No. 57 has already begun;

(b) Regulations limiting shipments from the production area have been recommended by the Administrative Committee and have been issued;

(c) Itinerant truckers handle potatoes grown in the production area included under Marketing Order No. 57;

(d) In order for assessments to be collected, especially from those handlers, such as itinerant truckers, who do not have a definite or an established place of business within the production area, it is essential that the assessment rate be fixed immediately so as to enable the Administrative Committee to perform its duties and functions under said marketing order;

(e) Pursuant to the requirements of the aforesaid marketing order, the assessment rate is applicable to all potatoes handled by first handlers during the aforesaid fiscal period, except that no assessment shall be paid for a shipment or shipments of potatoes for consumption by a charitable institution or institutions or for distribution for relief purposes or for distribution by a relief agency or agencies, and compliance with the requirements of this section will not require any special preparation on the part of handlers.

Terms used in this section shall have the same meaning as is given to such terms in §§ 957.0 to 957.18, inclusive (Marketing Order No. 57). (49 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 61 Stat. 202, 707; 7 U. S. C. 601 et seq.; 6 F. R. 4508)

Done at Washington, D. C., this 12th day of August 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-7404; Filed, Aug. 17, 1948; 8:50 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter D—Nationality Regulations

PART 316—RENUNCIATION OF UNITED STATES NATIONALITY

REVOCATION OF REGULATIONS BASED ON INOPERATIVE WARTIME LEGISLATION PROVIDING FOR RENUNCIATION OF UNITED STATES NATIONALITY

AUGUST 11, 1948.

Chapter I, Title 8 of the Code of Federal Regulations is hereby amended by

revoking Part 316, "Renunciation of United States Nationality."

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date is unnecessary because the statute on which these regulations were based and which is cited in them was a wartime measure which has become inoperative.

(Sec. 401 (i), 58 Stat. 677; 8 U. S. C. 801 (i))

TOM C. CLARK,
Attorney General.

Recommended: August 5, 1948.

WATSON B. MILLER,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 48-7411; Filed, Aug. 17, 1948; 8:58 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 33-1]

PART 33—FLIGHT RADIO OPERATOR CERTIFICATES

REQUIREMENTS CONCERNING HOLDING OF AN APPROPRIATE MEDICAL CERTIFICATE, ITS RENEWAL, AND DISPLAY WITH RESPECT TO FLIGHT RADIO OPERATORS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 11th day of August 1948.

Present regulations relating to the certification of flight radio operators do not prescribe any period of validity for medical certificates for these airmen, nor are they prohibited from performing their duties during a period of any known physical deficiency which would render them unable to meet the physical requirements prescribed for the issuance of their currently effective medical certificates. Also, these airmen are not required to have their airman or medical certificates in their personal possession while exercising the privileges of such certificates and are not required to produce these certificates at the request of proper authority.

The purpose of this amendment is to require an airman holding a flight radio operator certificate to meet, annually, the medical standards prescribed for such certificate, and to prohibit him from serving as a flight radio operator when his physical condition is less than the requirements of his effective medical certificate. The amendment will also require the airman to have his airman and medical certificates in his personal possession at all times while exercising the privileges of the airman certificate, and to present these certificates to the proper authority upon request.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 33 of the Civil Air Regulations (14 CFR, Part 33) effective November 10, 1948:

1. By adding a new § 33.13 to read as follows:

§ 33.13 *Certificate.* No individual shall serve in the flight crew as a flight radio operator unless he has in his personal possession while so serving a valid flight radio operator certificate issued by the Administrator.

2. By adding a new § 33.14 to read as follows:

§ 33.14 *Medical certificate and renewal.* No individual shall exercise the privileges of a flight radio operator certificate unless he has in his personal possession while so serving a medical certificate or other evidence satisfactory to the Administrator showing that he has met the physical requirements appropriate to his certificate within the preceding 12 calendar months.

3. By adding a new § 33.15 to read as follows:

§ 33.15 *Certificate display.* A flight radio operator shall, upon request, present his airman and medical certificates for examination by any representative of the Civil Aeronautics Board or Administrator or by any State or local law enforcement officer.

4. By adding a new § 33.16 to read as follows:

§ 33.16 *Operation during physical deficiency.* No flight radio operator shall exercise the privileges of his airman certificate during any period of known physical deficiency or increase in physical deficiency which would render him unable to meet the physical requirements prescribed for the issuance of his currently effective medical certificate.

(Secs. 205 (a), 601-602, 52 Stat. 984, 1007, 1008; 49 U. S. C. 425 (a), 551, 552)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 48-7413; Filed, Aug. 17, 1948; 8:58 a. m.]

[Civil Air Regs., Amdt. 34-1]

PART 34—FLIGHT NAVIGATOR CERTIFICATES

REQUIREMENTS CONCERNING HOLDING OF AN APPROPRIATE MEDICAL CERTIFICATE, ITS RENEWAL, AND DISPLAY WITH RESPECT TO FLIGHT NAVIGATORS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 11th day of August 1948.

Present regulations relating to the certification of flight navigators do not prescribe any period of validity for medical certificates for these airmen nor are they prohibited from performing their duties during a period of any known physical deficiency which would render them unable to meet the physical requirements prescribed for the issuance of their currently effective medical certificates. Also, these airmen are not required to have their airman or medical certificates in their personal possession while exercising the privileges of such certificates and are not required to produce these certificates at the request of proper authority.

The purpose of this amendment is to require an airman holding a flight navigator certificate to meet, annually, the medical standards prescribed for such certificate, and to prohibit him from serving as a flight navigator when his physical condition is less than the requirements of his effective medical certificate. The amendment will also require the airman to have his airman and medical certificates in his personal possession at all times while exercising the privileges of the airman certificate, and to present these certificates to the proper authority upon request.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 34 of the Civil Air Regulations (14 CFR, Part 34) effective November 10, 1948:

1. By adding a new § 34.13 to read as follows:

§ 34.13 *Certificate.* No individual shall serve in the flight crew as a flight navigator unless he has in his personal possession while so serving a valid flight navigator certificate issued by the Administrator.

2. By adding a new § 34.14 to read as follows:

§ 34.14 *Medical certificate and renewal.* No individual shall exercise the privileges of a flight navigator certificate unless he has in his personal possession while so serving a medical certificate or other evidence satisfactory to the Administrator showing that he has met the physical requirements appropriate to his certificate within the preceding 12 calendar months.

3. By adding a new § 34.15 to read as follows:

§ 34.15 *Certificated display.* A flight navigator shall, upon request, present his airman and medical certificates for examination by any representative of the Civil Aeronautics Board or Administrator or by any State or local law enforcement officer.

4. By adding a new § 34.16 to read as follows:

§ 34.16 *Operation during physical deficiency.* No flight navigator shall exercise the privileges of his airman certificate during any period of known physical deficiency or increase in physical deficiency which would render him unable to meet the physical requirements prescribed for the issuance of his currently effective medical certificate.

(Secs. 205 (a), 601, 602, 52 Stat. 984, 1007, 1008; 49 U. S. C. 425 (a), 551, 552)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 48-7414; Filed, Aug. 17, 1948; 8:58 a. m.]

[Civil Air Regs., Amdt. 35-2]

PART 35—FLIGHT ENGINEER CERTIFICATES

REQUIREMENTS CONCERNING HOLDING OF AN APPROPRIATE MEDICAL CERTIFICATE, ITS RENEWAL, AND DISPLAY WITH RESPECT TO FLIGHT ENGINEERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 11th day of August 1948.

Present regulations relating to the certification of flight engineers do not prescribe any period of validity for medical certificates for these airmen, nor are they prohibited from performing their duties during a period of any known physical deficiency which would render them unable to meet the physical requirements prescribed for the issuance of their currently effective medical certificates. Also, these airmen are not required to have their airman or medical certificates in their personal possession while exercising the privileges of such certificates and are not required to produce these certificates at the request of proper authority.

The purpose of this amendment is to require an airman holding a flight engineer certificate to meet, annually, the medical standards prescribed for such certificate, and to prohibit him from serving as a flight engineer when his physical condition is less than the requirements of his effective medical certificate. The amendment will also require the airman to have his airman and medical certificates in his personal possession at all times while exercising the privileges of the airman certificate, and to present these certificates to the proper authority upon request.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 35 of the Civil Air Regulations (14 CFR, Part 35, as amended) effective November 10, 1948:

1. By adding a new § 35.14 to read as follows:

§ 35.14 *Certificate.* No individual shall serve in the flight crew as a flight engineer unless he has in his personal possession while so serving a valid flight engineer certificate issued by the Administrator.

2. By adding a new § 35.15 to read as follows:

§ 35.15 *Medical certificate and renewal.* No individual shall exercise the privileges of a flight engineer certificate unless he has in his personal possession while so serving a medical certificate or other evidence satisfactory to the Administrator showing that he has met the physical requirements appropriate to his certificate within the preceding 12 calendar months.

3. By adding a new § 35.16 to read as follows:

§ 35.16 *Certificate display.* A flight engineer shall, upon request, present his airman and medical certificates for examination by any representative of the Civil Aeronautics Board or Administrator or by any State or local law enforcement officer.

4. By adding a new § 35.17 to read as follows:

§ 35.17 *Operation during physical deficiency.* No flight engineer shall exercise the privileges of his airman certificate during any period of known physical deficiency or increase in physical deficiency which would render him unable to meet the physical requirements prescribed for the issuance of his currently effective medical certificate.

(Secs. 205 (a), 601, 602, 52 Stat. 984, 1007, 1008; 49 U. S. C. 425 (a), 551, 552)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Acting Secretary.*

[F. R. Doc. 48-7412; Filed, Aug. 17, 1948; 8:58 a. m.]

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

Subchapter I—War Rental Housing Insurance

PART 580—ADMINISTRATIVE RULES FOR WAR RENTAL HOUSING INSURANCE UNDER SECTION 608 OF THE NATIONAL HOUSING ACT

MISCELLANEOUS AMENDMENTS

1. Section 580.11 is hereby amended to read as follows:

§ 580.11 *Amount of principal obligation.* The mortgage must secure a principal obligation in multiples of one hundred dollars ($100) but not exceed five million dollars ($5,000,000) and not in excess of ninety per centum (90%) of the amount which the Commissioner estimates will be the necessary current cost of the completed property or project, including the land; the proposed physical improvements; utilities within the boundaries of the property or project; architects' fees; taxes and interest accruing during construction; and other miscellaneous charges incidental to construction and approved by the Commissioner: *Provided,* That the principal obligation of the mortgage shall not in any event exceed ninety per centum (90%) of the Commissioner's estimate of the replacement cost of the property or project on the basis of the costs prevailing on December 31, 1947, for properties or projects of comparable quality in the locality: *And provided further,* That such mortgage shall not in any event exceed the amount which the Commissioner estimates will be the cost of the completed physical improvements on the property or project, exclusive of off-site public utilities and streets, and organization and legal expenses. Such part of the mortgage as may be attributable to dwelling use shall not exceed $8,100 per family unit.

2. Section 580.24 is amended to read as follows:

§ 580.24 *Occupancy priority to veterans.* No discrimination against children. The mortgagor must establish, in a manner satisfactory to the Commissioner, that after completion of the project, preference or priority of opportunity to occupy will be given to veterans of World War II and their immediate families, except that this requirement does not apply to hardship cases as defined by the Commissioner and approved by him. The mortgagor must certify under oath that in selecting tenants for the property covered by the mortgage the mortgagor will not discriminate against any family by reason of the fact that there are children in the family, and that the mortgagor will not sell the property while the mortgage insurance is in effect unless the purchaser also so certifies, such certifications to be filed with the Commissioner. (The act provides that violation of any such certification shall be a misdemeanor punishable by a fine of not to exceed $500.)

(Sec 1; 55 Stat. 61; 12 U. S. C. 1742)

Issued at Washington, D. C., August 12, 1948.

FRANKLIN D. RICHARDS, *Federal Housing Commissioner.*

[F. R. Doc. 48-7410; Filed, Aug. 17, 1948; 8:51 a. m.]

PART 582—ADMINISTRATIVE REGULATIONS FOR WAR RENTAL HOUSING INSURANCE UNDER SECTION 608 OF THE NATIONAL HOUSING ACT AS APPLICABLE TO ALL MORTGAGES INSURED UNDER SECTION 608

PREPAYMENT PREMIUM CHARGES

Section 582.4 *Prepayment premium charges,* is hereby amended by changing the last sentence thereof to read as follows: "If at the time of prepayment a new insured mortgage is placed on the same property, or if such prepayment is made on or after August 10, 1948, the Commissioner will refund to the mortgagee for the account of the mortgagor an amount equal to the pro rata portion of the current annual mortgage insurance premium theretofore paid which is applicable to the portion of the year subsequent to such prepayment."

(Sec. 11, 56 Stat. 303 as amended; 12 U. S. C. 1743)

Issued at Washington, D. C., August 12, 1948.

FRANKLIN D. RICHARDS, *Federal Housing Commissioner.*

[F. R. Doc. 48-7409; Filed, Aug. 17, 1948; 8:51 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 261—TRESPASS

CUSTER NATIONAL FOREST; ORDER FOR REMOVAL OF TRESPASSING HORSES

Whereas a number of horses are trespassing and grazing on the Pryor Moun-

tain Division of the Custer National Forest in the State of Montana; and

Whereas these horses are consuming forage needed for permitted livestock, are causing extra expense to established permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35, 16 U. S. C. 551), and the act of February 1, 1905 (33 Stat. 628; 16 U. S. C. 472), the following order for the occupancy, use, protection, and administration of the Pryor Mountain Division of the Custer National Forest, is issued:

Temporary closure from livestock grazing.[1] (a) The Pryor Mountain Division of the Custer National Forest is hereby closed from August 15, 1948 to September 30, 1948, to the grazing of horses, excepting those that are lawfully grazing on or crossing land on such Division pursuant to the regulations of the Secretary of Agriculture, or which are used in connection with operations authorized by such regulations, or used as riding, pack, or draft animals by persons traveling over such land.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such horses shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Custer National Forest is located.

(30 Stat. 35; 33 Stat. 628; 16 U. S. C. 472, 551)

Done at Washington, D. C., this 12th day of August 1948. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-7403; Filed, Aug. 17, 1948; 8:50 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

Subchapter B—Regulations

PART 6—PROVISIONS APPLICABLE TO THE SEVERAL CLASSES OF MAIL MATTER

FLOUR, PREPARATION FOR MAILING

In § 6.15 *When articles liable to damage mail or injure employees may be accepted* (39 CFR, 1946 Supp. 6.15), make the following change:

Amend paragraph (g) to read as follows:

(g) (1) Ink powders, pepper, snuff, or other similar powders not explosive, or any similar pulverized dry substance not poisonous, shall be accepted when inclosed in the manner prescribed herein for liquids, or when inclosed in cases made of metal, wood, papier-mâché, or similar material, in such manner as to render impossible the escape of any of the contents.

(2) Flour in small closely woven strong drill bags which will not soil other mail in contact therewith, with linen address tag stitched to the bottom thereof shall be accepted for mailing in amounts up to and including five pounds provided the mouth of the sack is tightly and securely closed. Tentative approval is granted for mailing of flour in larger amounts up to and including ten pounds in this type bag, but if reports of damage are received indicating that this size bag will not carry satisfactorily without soiling other mail or equipment, this approval will be withdrawn. Flour in other type containers or in larger amounts shall be packed in the manner prescribed for powders in subparagraph (1) of this paragraph.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 48-7386; Filed, Aug. 17, 1948; 8:46 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

RELIEF PACKAGES

CROSS REFERENCE: For postage rates applicable to parcels coming under the category "U. S. A. Relief Parcels", which affect the rates listed in Subpart D of this part, see Federal Register Document 48-7385 under the Post Office Department in the Notices section, *infra*.

TITLE 43—PUBLIC LANDS: INTERIOR

[Order 2456]

Subtitle A—Office of the Secretary of the Interior

PART 4—DELEGATIONS OF AUTHORITY

ADMINISTRATIVE ADJUSTMENT OF CERTAIN CLAIMS

Correction

In Federal Register Document 48-7291, appearing at page 4694 of the issue for Friday, August 13, 1948, paragraph 2 should read:

2. Paragraph (d) of § 4.714 (12 F. R. 2366) is revoked.

Chapter I—Bureau of Land Management, Department of the Interior

PART 162—LIST OF ORDERS CREATING AND MODIFYING GRAZING DISTRICTS OR AFFECTING PUBLIC LANDS IN SUCH DISTRICTS

NEVADA

CROSS REFERENCE: For order affecting the tabulation contained in § 162.1 by the addition of designated lands to Nevada Grazing District No. 3, see Bureau of Land Management Misc. 1661727 in the Notices section, *infra*.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Entomology and Plant Quarantine

[7 CFR, Part 319]

NURSERY STOCK, PLANTS AND SEEDS QUARANTINE

NOTICE OF PROPOSED LIST OF APPROVED PACKING MATERIALS AND INSTRUCTIONS FOR THEIR USE

Notice is hereby given under section (4) of the Administrative Procedure Act (60 Stat. 237) that the Chief of the Bureau of Entomology and Plant Quarantine proposes to issue administrative instructions to approve certain packing materials for use in connection with any shipment of restricted plant materials imported in accordance with the regulations supplemental to the Nursery Stock, Plants, and Seeds Quarantine No. 37 (7 CFR 319.37-1 through 319.37-25, 13 F. R. 4267), and to indicate situations in which other materials may be approved by inspectors where conditions as to pest risk permit.

The following materials when free from sand, soil, or earth, unless otherwise noted, and when they have not been previously used as packing or otherwise with living plants, are being considered for such approval:

Buckwheat hulls.
Cereal chaff other than rice chaff.
Cereal straw other than rice straw.
Charcoal (Inspection is difficult when this material is used. It should be used only when its particular qualities are especially desirable and other approved packing materials are unsuitable.).
Coral sand from Bermuda, when free from surface soil, and certified as such by the Director of Agriculture of Bermuda.
Excelsior.
Exfoliated vermiculite.
Ground cork.
Ground peat.
Sawdust.
Shavings.
Sphagnum moss.
Vegetable fiber when free of pulp, including coconut fiber and Osmunda fiber, but excluding sugarcane fiber and cotton fiber.

Also it is proposed to authorized inspectors in cases of emergency to approve for use for specific shipments, packing materials other than those listed, after they have determined that such materials are free from sand, soil, or earth, and that their use does not involve a risk of introducing plant pests.

[1] This affects tabulation contained in 36 CFR, § 261.50.

Further, it is proposed in the contemplated administrative instructions to require that all restricted material from Europe and Canada be free from willow withes.

All persons who desire to submit written data, views, or arguments in connection with these proposals should file the same with the Chief of the Bureau of Entomology and Plant Quarantine, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication of this notice in the FEDERAL REGISTER.

(Secs. 1 and 5, 37 Stat. 315 and 316, as amended, 7 U. S. C. and Supp. 154 and 159; 7 CFR 319.37–16, 13 F. R. 4267, 4273)

Done at Washington, D. C., this 4th day of August 1948.

[SEAL] AVERY S. HOYT,
Acting Chief, Bureau of Entomology and Plant Quarantine.

[F. R. Doc. 48–7429; Filed, Aug. 17, 1948; 9:05 a. m.]

Production and Marketing Administration

[7 CFR, Part 946]

HANDLING OF MILK IN LOUISVILLE, KY., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED AMENDMENT TO ORDER, AS AMENDED

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps., 900.1 et seq.), a public hearing was held at Louisville, Kentucky, on March 17 to 20, 1948, both dates inclusive, pursuant to a notice issued on March 4, 1948 (13 C. F. R. 1265, 1320).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on June 30, 1948, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on July 8, 1948 (13 F. R. 3788).

The material issues presented on the record were whether:

1. A definition of "producer-handler" should be adopted;

2. The definition of "other source milk" should be revised to include receipts of "emergency milk" and all skim milk and butterfat contained in milk, skim milk, and cream received from producer-handlers;

3. The provisions with respect to "interhandler and nonhandler transfers" should be amended to provide for:

(i) The classification as Class I of all skim milk and butterfat contained in milk and skim milk transferred or diverted by a handler to a plant, located within 100 miles from Louisville, Kentucky, of a nonhandler who distributes Class I milk or Class II milk, and as Class II all skim milk and butterfat contained in cream so disposed of: *Provided*, That for the delivery periods of March through August such skim milk and butterfat should be classified in the highest-priced class remaining after subtracting from the highest-priced available class the receipts from dairy farms by such plant;

(ii) The classification of skim milk and butterfat contained in milk and skim milk transferred or diverted by a handler to a producer-handler as Class I and skim milk and butterfat contained in cream so disposed of as Class II;

(iii) The classification of skim milk and butterfat in the class in which the market administrator determines such skim milk and butterfat was used if transferred or diverted to a plant, located less than 100 miles from Louisville, Kentucky, of a nonhandler who does not distribute milk or cream in fluid form for consumption as such but who manufactures milk products; and

(iv) The classification as Class I of all skim milk and butterfat transferred or diverted in the form of milk or skim milk by a handler to a plant, located 100 miles or more from Louisville, Kentucky, of another handler or nonhandler who distributes milk or manufactures milk products, and the classification of all skim milk and butterfat so disposed of in the form of cream as Class II;

4. The provisions with respect to the allocation of skim milk and butterfat classified should be amended to eliminate the special treatment afforded to "emergency milk" as compared with "other source milk";

5. The pricing provisions of the order should be revised to provide an additional alternate formula, based upon the open market prices of butter and cheese, for the determination of Class I and Class II prices;

6. The Class I and Class II price differentials should be revised to provide for an increase in the level of such prices and to establish seasonal price differentials; and

7. Other changes should be made for the purpose of clarification and to make the entire marketing agreement and the order, as amended, conform with any amendment thereto resulting from the hearing.

Rulings on exceptions. Exceptions to the recommended decision were filed on behalf of the Falls Cities Cooperative Milk Producers' Association and various handlers who would be subject to the proposed marketing agreement and to the order, as amended, and as hereby proposed to be further amended. In arriving at the findings and conclusions decided upon in this decision each of the exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions decided upon herein are at variance with the exceptions pertaining thereto such exceptions are overruled. With respect to the exceptions to the general findings, the reasons and basis therefor are set forth in other portions of this decision.

Findings and conclusions. The findings and conclusions with respect to the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(1) A definition of "producer-handler" should be included in the order provisions, and such term should be defined as "any person who is both a producer and a handler but who receives no milk from other producers (exclusive of producer-handlers)." Certain provisions of the existing order exempt such an individual, specify the classification and pricing of milk received by a handler from such source, and provide for the classification of milk sold by a handler to so-called producer-handlers. In view of this and the changes proposed herein, it is believed that such definition will shorten the language of the order and clarify the position of an individual who is both a producer and a handler. As a conforming change in line with this conclusion, the term "producer-handler" should be substituted for the words "handlers whose only source of milk supply are receipts from his own production or from other handlers" in § 946.6 (a) relating to handlers who are also producers.

(2) The definition of "other source milk" should be revised to include skim milk and butterfat received in any form from a producer-handler and from a source other than producers or other handlers, except any nonfluid milk product which is received and disposed of in the same form.

Under the present provisions of the order, "other source milk" is defined as all skim milk and butterfat in any form received from a source other than producers or other handlers, except emergency milk and any nonfluid milk product which is received and disposed of in the same form.

The producers proposed the inclusion of supplies from emergency sources in the definition of "other source milk." It was also proposed that receipts of milk by a handler from a producer-handler should be treated as a receipt of other source milk.

Other source milk and supplies of milk from emergency sources have been distinguished under present order provisions by distinctions set out under the various health regulations applicable to the milk sold in the marketing area. These distinctions have been at times difficult to apply because of the differences in the rules of the two health authorities and because of differences in the methods of handling milk as between different types of plants operating under the order.

Because of these conditions and because of the administrative difficulty of ascertaining the differences between these two sources of milk the desirability for purposes of order regulation of drawing such a distinction is no longer evident. As a conforming change in line with this conclusion all references to

"emergency milk" should be deleted from the order provisions.

Producers argued that milk received by a handler from a producer-handler should be considered as a receipt of other source milk. Although milk produced by a producer-handler meets all the requirements of regular producer milk, such milk is not available for regular purchases by handlers. Producer-handlers normally disposed of their milk during most of the year in Class I and Class II products. Under these conditions, the pooling of any surplus milk purchased from producer-handlers would result in higher prices to producer-handlers than to regular producers, since producer-handlers' Class I and II milk is not pooled with producer milk. In order to afford the same treatment of receipts of milk, skim milk, and cream from a producer-handler as a receipt of other source milk, it is concluded that such receipts from producer-handlers should be included in the definition of other source milk.

(3) (i) The proposal to revise the transfer provisions with respect to the classification of skim milk and butterfat contained in milk, skim milk, and cream disposed of, either by transfer or diversion, by a handler to a plant, located less than 100 miles from Louisville, Kentucky, which is owned or operated by a person who is not a handler but who distributes Class I milk or Class II milk, should not be adopted.

Under the present order provisions all skim milk and butterfat contained in milk and skim milk disposed of, either by transfer or diversion to a nonhandler who distributes milk is classified as Class I milk and all skim milk and butterfat contained in cream so disposed of is classified as Class II, unless utilization in another class is mutually indicated in writing to the market administrator by both the transferring handler and the receiver on or before the 5th day after the end of the delivery period: *Provided,* That the amount of skim milk and butterfat so classified in such class as a result of such agreement shall not exceed the actual utilization by the receiver in such class.

The producers proposed that such transfers of milk and skim milk should be classified as Class I milk and such transfers of cream should be classified as Class II milk: *Provided,* That if, during the delivery periods of March through August, the buyer maintains books and records showing the utilization of all skim milk and butterfat received at his plant, which are made available to the market administrator, the skim milk and butterfat contained in such transfers or diversions should be classified in the highest-priced classification remaining after subtracting, in series beginning with the highest-priced classification, the receipts of skim milk and butterfat at the transferee plant direct from dairy farms.

If this proposal were to be adopted, it would give to Louisville producer milk a price priority over milk received from other plants. No evidence was introduced as to why this condition should obtain.

(ii) The proposal to classify as Class I milk all skim milk and butterfat transferred or diverted by a handler to a producer-handler in the form of milk or skim milk, and as Class II milk all skim milk and butterfat so transferred in the form of cream, should be adopted. The record indicates that producer-handlers do not maintain facilities for the processing of Class III products. Thus, any milk, skim milk, or cream transferred to such a person would be for fluid purposes and should be so classified.

(iii) The proposal to revise the transfer provisions to provide that all skim milk and butterfat disposed of, either by transfer or diversion, by a handler to a manufacturing plant, located less than 100 miles from Louisville, Kentucky, owned or operated by a nonhandler, be classified in the class in which the market administrator determines such skim milk or butterfat was used, should not be adopted. The evidence does not indicate that these plants characteristically maintain the accounting systems and records which would permit the market administrator to satisfy his responsibility under such a proposal.

(iv) The proposal to revise the transfer provisions to provide that all skim milk and butterfat transferred or diverted in the form of milk or skim milk to a plant located 100 miles or more from the City Hall at Louisville, Kentucky, be classified as Class I milk, should be adopted; but the proposal to revise such provisions to provide that all skim milk and butterfat so disposed of in the form of cream to such a plant be classified as Class II milk, should not be adopted.

The record indicates that the quantities of milk or skim milk sold to plants beyond the proposed 100 mile zone, during 1947, were not substantial, and that outlets were available for such milk and skim milk nearby Louisville. In view of the fact that it is impracticable to make provision for an audit when relatively small volumes of milk are moved this distance, it is concluded that such milk and skim milk should be classified as Class I milk.

The record indicates that substantial quantities of cream were sold to plants beyond the proposed 100 mile zone during 1947; that such sales were made during all months of the year of 1947; and that some of this cream moved to plants located more than 400 miles from Louisville, Kentucky. Furthermore, it was shown that there was an excess of butterfat over the Class I milk and Class II milk requirements during most of the year of 1947. It was not shown that adequate outlets were available for such quantities of cream within the proposed 100 mile zone.

4. The allocation provisions should be revised to eliminate the prorating of the receipts of emergency milk, between Class I and Class II milk, which are in excess of the total Class III milk less allowable shrinkage of producer milk and 5 percent of the total receipts of milk from producers, by subtracting such receipts, in series, from the lowest-priced available classification.

The recommended definition of other source milk includes milk, skim milk, and cream which is received under an emergency permit issued by the appropriate health authorities in the marketing area. The record indicates that such permits are issued only when sufficient quantities of graded milk to supply the area are not being produced locally. Emergency permits were issued for the months of October 1947 through February 1948. During this period, some handlers obtained emergency supplies locally while others purchased such supplies from Chicago, Illinois. The record indicates that handlers are permitted to advance the date on the cap of bottled milk, and to use milk cans and vats as a means of storing weekend surpluses of producer milk. As a result, there have been no surpluses of producer milk available for transfer on weekends.

The proposed amendment to the allocation provision provides for the elimination of the receipts of other source milk from the total skim milk and butterfat classified by subtracting from the total skim milk and butterfat, respectively, in each class, in series beginning with the lowest-priced available classification (exclusive of allowable shrinkage of producer milk), the total pounds of skim milk and butterfat, respectively, received in other source milk. This procedure is necessary to protect the interest of producers and will be instrumental in encouraging a larger volume of producer milk during the season of the year that it is needed by guaranteeing producers the classification of their milk in the highest-priced available class.

5. The procedure for determining the basic formula price per hundredweight of milk used in computing the price of Class I milk and Class II milk should be revised to provide for the inclusion of an additional alternate formula based upon the open market price of butter and cheese. Production and marketing of milk for each type of manufacturing outlet are subject to many of the same economic factors. Farmers producing milk for manufacturing purposes can and do shift from one outlet to another as price relationships change. Because milk may be diverted readily from one milk product to another, the highest value for milk in any manufactured use represents the price in relation to which the Louisville Class I and Class II prices must be fixed. This price represents the value of milk for manufacturing uses to which differentials are added to make up the Class I and Class II prices. These differentials are so set that when added to the highest value of milk for any manufacturing use the resulting price will provide a proper return to dairy farmers for assuming the added effort and expense required in producing graded milk for the Louisville market. Cheese is an important market for milk and any resulting increase in the price of milk for cheese production should be reflected in the price of milk to Louisville producers.

The proposal to add 15 cents to the butter-cheese formula should not be adopted. Producers contend that had the butter-cheese formula been included as an alternate during the 17 months preceding March 1948 it would not have increased the basic price during any of those months. They therefore proposed

the addition of 15 cents to such formula which would have had the result of increasing the basic price during the months of June, July, August, September, and November 1947. This is insufficient justification for the addition of 15 cents to such formula.

6. The Class I and Class II price differentials should be revised to price producer milk more competitively with prices received by producers in surrounding markets.

Under the present pricing provisions of the order the prices for Class I milk and Class II milk are determined by adding $1.05 and $0.50 per hundredweight, respectively, to the basic formula price. The basic formula price is composed of the higher of the Class III price plus 15 cents, or the "paying" prices of 18 manufacturing plants located in Wisconsin and Michigan. The Class III price is the higher of the "paying" prices of 7 local manufacturing plants, or a formula price based upon the open market prices of butter and nonfat dry milk solids, by roller process. The proposed amendments herein recommend the addition of the butter-cheese formula as an alternate in the basic formula.

The procedures proposed a Class I price differential over the basic formula, of $1.05 per hundredweight for the delivery periods of April, May, and June, and $1.30 per hundredweight for the delivery periods of July through March; and a Class II price differential of $0.60 per hundredweight for the delivery periods of April, May, and June, and $0.85 per hundredweight for the delivery periods of July through March.

The record shows conditions which threaten to impair the milk supply of the Louisville market. The most important factor entering into this situation is the especially active competition for producers from other nearby markets. Since October 1947 the Louisville market has experienced a shifting of producers in substantial numbers. Some of these producers were lost to cheese plants in the milkshed which are attracting Louisville producers by paying the Louisville blend price. Local fluid milk markets within and adjacent to the milkshed were also shown to be attracting Louisville producers by paying prices which result in higher net returns to such producers.

In order to discourage further shifting of producers away from the Louisville market which is threatened with a serious shortage of supply, it is concluded that the Louisville price should be brought more in line competitively with prices paid dairy farmers for milk in surrounding markets. This should be accomplished by increasing the Class I and Class II price differentials.

For the past 5 years the level of production of regular producer milk has been insufficient to meet the needs of Class I milk and Class II milk in the Louisville market during the short season. It has been necessary for handlers to supplement their supplies of producer milk in Class I and Class II with substantial quantities from emergency sources for most of the months of the year, except April through August when supplies of producer milk are normally in excess of Class I and Class II needs in the market.

Since substantial shortages are generally experienced only during the months of September through March, any upward adjustment in price should be confined to these months in order to give more emphasis to seasonal prices paid to producers and thereby to encourage a shift to a more even production throughout the year. It is concluded that the Class I and Class II price differentials should be increased 20 cents per hundredweight during the delivery periods of September through March.

7. Other changes should be made for the purpose of clarification and to make the proposed marketing agreement and the order, as amended, conform to the revisions proposed herein.

(i) The present provision of the order, as amended, § 946.3 (b) (3) (iii) (b), should be clarified with respect to the prorating of shrinkage when producer milk is transferred, under supporting transfer records, satisfactory to the market administrator, by a handler from a plant which is included in the pool to any other plant of such handler.

(ii) Paragraph (b) of § 946.6 of the order, as amended, provides that if a handler receives milk, skim milk, or cream from a producer-handler and disposes of such milk, skim milk, or cream other than as Class III milk, the market administrator shall charge such handler the difference between the value of such milk, skim milk, and cream at the Class III price and the value according to its usage. In conformity with the conclusion reached with respect to the inclusion of receipts of milk, skim milk, and cream from a producer-handler as a receipt of other source milk, it is concluded that paragraph (b) of § 946.6 should be deleted.

(iii) The provision relating to a handler's pro rata share of the expense of administration provides that each handler shall pay administrative assessments on emergency milk received at a plant included in the pool. The producers proposed, in conformity with the inclusion of emergency milk in the definition of other source milk, that each handler should pay the administrative assessment on other source milk received at a plant which is included in the pool. In view of the fact that the market administrator must audit all receipts of other source milk at such plants, it is concluded that such proposal should be adopted in order to prorate the administrative assessment more equitably between handlers.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to §§ 2 and 8c of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect the market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in the marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Louisville, Kentucky, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Louisville, Kentucky, Marketing Area," which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, covering proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby further amended by the attached order, which will be published with this decision.

This decision filed at Washington, D. C., this 12th day of August 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order, Amending the Order, as Amended, Regulating the Handling of Milk in the Louisville, Kentucky, Marketing Area

§ 946.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, covering the formation of marketing agreements and orders (7 CFR, Supps., 900.1 et seq.), a public hearing was held March 17–20, 1948, upon a pro-

posed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Louisville, Kentucky, milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is hereby found that a pro rata assessment on handlers at a rate not to exceed two cents per hundredweight with respect to all receipts by the handler, during each delivery period, of (i) milk from producers (including such handler's own production) and (ii) other source milk received at a plant described in subparagraphs (1) and (2) of § 946.1 (e), upon which payment is required pursuant to § 946.10 of this order, will provide the funds necessary for the maintenance and functions of the market administrator in the administration of this order and such assessment is approved.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Louisville, Kentucky, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 946.1 (i) and substitute therefor the following:

(i) "Producer-handler" means any person who is both a producer and a handler but who receives no milk from other producers (exclusive of producer-handlers).

2. Amend § 946.1 (j) to read as follows:

(j) "Other source milk" means all skim milk and butterfat received in any form from a producer-handler and from a source other than producers or other handlers, except any nonfluid milk product which is received and disposed of in the same form.

3. Delete § 946.3 (a) (3) and renumber subparagraph (4) as subparagraph (3).

4. Delete in § 946.3 (b) (3) (iii) the words "emergency milk and".

5. Delete in § 946.3 (b) (3) (iii) (*a*) the words "emergency milk or".

6. Amend § 946.3 (b) (3) (iii) (*b*) to read as follows:

(*b*) If milk from producers is transferred as milk, skim milk, or cream by a handler from a plant described under subparagraph (1) or (2) of § 946.1 (e) of such handler to any other plant of such handler, under supporting transfer records satisfactory to the market administrator, the shrinkage of skim milk and butterfat, respectively, on the aforesaid transferred portion shall be computed on a pro rata basis with the skim milk and butterfat, respectively, contained in all milk, skim milk, and cream received in the latter plant and added to the shrinkage of producer's milk handled in the handler's fluid milk plant.

7. Delete § 946.3 (c) (1) and substitute therefor the following:

(1) All skim milk and butterfat disposed of by a handler, either by transfer or diversion, to another handler or to a person who is not a handler but who distributes milk or manufactures milk products, shall be classified as follows:

(i) As Class I milk if transferred or diverted to a producer-handler in the form of milk or skim milk and as Class II milk if so disposed of in the form of cream;

(ii) As Class I milk if transferred or diverted in the form of milk or skim milk to another handler (except a producer-handler) or to a person who is not a handler but who distributes milk or manufactures milk products, and as Class II milk if so disposed of in the form of cream, unless utilization in another class is mutually indicated in writing to the market administrator by both the transferring handler and the receiver on or before the 5th day after the end of the delivery period: *Provided,* That if upon inspection of the records of such receiver it is found that an equivalent amount of skim milk and butterfat, respectively, was not actually used in such indicated use the remaining pounds shall be classified a. Class I milk if transferred or diverted in the form of milk or skim milk and as Class II milk if so disposed of in the form of cream: *Provided further,* That the classification of any such transfer or diversion of skim milk and butterfat between handlers shall be subject to allocation for each handler in the sequence set forth in paragraph (e) of this section: *And provided further,* That all skim milk and butterfat contained in milk and skim milk so disposed of to a plant located 100 miles or more from the City Hall at Louisville, Kentucky, by the shortest highway distance as determined by the market administrator, shall be Class I milk.

8. Delete § 946.3 (d) (1) (iii) and renumber subdivision (iv) as subdivision (iii).

9. Delete in § 946.3 (d) (9) (ii) (*a*) the words "emergency milk and".

10. Delete § 946.3 (e) and substitute therefor the following:

(e) *Allocation of skim milk and butterfat classified.* (1) The pounds of skim milk remaining in each class, for each handler, after making the following computations shall be the pounds of skim milk in such class allocated to milk received from producers:

(i) Subtract the allowable shrinkage of skim milk in milk received from producers from the total pounds of skim milk in Class III;

(ii) Subtract the pounds of other source skim milk from the pounds of skim milk in the lowest-priced class: *Provided,* That if the pounds of skim milk to be subtracted is greater than the pounds of skim milk in such class, the balance shall be subtracted from the pounds of skim milk remaining in the next higher-priced class;

(iii) Subtract the pounds of skim milk contained in milk, skim milk, and cream received from other handlers from the pounds of skim milk in the class to which it was assigned: *Provided,* That if the pounds of skim milk to be subtracted is greater than the pounds of skim milk in such class, the balance shall be subtracted from the pounds of skim milk in the next higher-priced class; and

(iv) Add the allowable shrinkage of skim milk in milk received from producers to the pounds of skim milk in Class III; but if the pounds of skim milk remaining in all classes exceeds the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in the lowest-priced class: *Provided,* That if the pounds of skim milk to be subtracted is greater than the pounds of skim milk remaining in the lowest-priced class, the balance shall be subtracted from the pounds of skim milk remaining in the next higher-priced class.

(2) Determine the pounds of butterfat to be allocated to milk received from producers in a manner similar to that prescribed in subparagraph (1) of this paragraph for skim milk.

11. Delete § 946.4 (a) and substitute therefore the following:

(a) *Basic formula prices for Class I milk and Class II milk.* The basic formula price per hundredweight of milk to be used in computing the prices for Class I milk and Class II milk shall be the highest price resulting from the computations set forth in subparagraphs (1), (2), or (3) of this paragraph.

(1) Add 15 cents to the Class III price.

(2) (i) Multiply by 6 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period;

(ii) Add an amount equal to 2.4 times the arithmetic average of the weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided,* That if the price of "Twins" is not quoted on such Exchange, the weekly prevailing price per pound of "Cheddars" shall be used; and

(iii) Divide by 7, add 30 percent thereof, and then multiply by 3.8.

(3) To the average of the basic (or field) prices reported to have been paid or to be paid for milk of 3.5 percent butterfat content, without deductions for hauling or other charges to be paid by the farm shipper, received from farmers during the delivery period at the following plants or places for which prices are reported to the market administrator or to the Department of Agriculture by the companies listed below:

Companies and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

add an amount computed as follows: Multiply the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture for the delivery period, by 0.12 and then by 3.

12. Delete § 946.4 (b) (1) and substitute therefor the following:

(1) *Class I milk.* The price for Class I milk shall be the basic formula price plus the following amounts per hundredweight: $1.05 for the delivery periods of April through August; and $1.25 for the delivery periods of September through March.

13. Delete § 946.4 (b) (2) and substitute therefor the following:

(2) *Class II milk.* The price for Class II milk shall be the basic formula price plus the following amounts per hundredweight: $0.50 for the delivery periods of April through August; and $0.70 for the delivery periods of September through March.

14. Delete in § 946.5 (a) (1) the words "receipts of emergency milk".

15. Delete § 946.5 (a) (2).

16. Delete § 946.5 (a) (3).

17. Delete § 946.6 (a) and substitute therefor the following:

(a) *Producer-handlers.* No provision hereof shall apply to a producer-handler, except that such producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request and shall permit the market administrator to verify such reports.

18. Delete § 946.6 (b).

19. Delete in paragraph (c) of § 946.6 the words "receipts of emergency milk", and renumber such paragraph as paragraph (b).

20. Delete in § 946.7 (a) the words "paragraphs (b) and (c)" and substitute therefor "paragraph (b)".

21. Delete in § 946.7 (a) the words "emergency milk or".

22. Delete in § 946.10 the words "emergency milk" and substitute therefor "other source milk".

[F. R. Doc. 48-7405; Filed, Aug. 17, 1948; 8:51 a. m.]

[7 CFR, Part 973]

Handling of Milk in Minneapolis-St. Paul, Minn., Marketing Area

NOTICE OF EXTENSION OF TIME FOR FILING WRITTEN EXCEPTIONS WITH RESPECT TO RECOMMENDED DECISION ON PROPOSED AMENDMENT TO MARKETING AGREEMENT AND TO THE ORDER

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders. (7 CFR, Supps., 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159), notice is hereby given that the time for filing exceptions to a recommended decision (13 F. R. 4545) of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the marketing agreement and to the order regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. S. 601 et seq.) is hereby extended. Interested parties may file exceptions to the recommended decision with the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington 25, D. C., not later than August 20, 1948.

Filed at Washington, D. C., this 12th day of August 1948.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 48-7428; Filed, Aug. 17, 1948; 9:05 a. m.]

[7 CFR, Part 974]

Handling of Milk in Columbus, Ohio, Milk Marketing Area

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENT TO ORDER, AS AMENDED

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps., 900.1 et seq.; 12 F. R. 1159, 4904), a public hearing was held at Columbus, Ohio, on February 25, and March 8–10, 1948, after the issuance of a notice on February 21, 1948 (13 F. R. 809).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on June 23, 1948, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing of such recommended decision and opportunity to file written exception thereto was published in the Federal Register on June 26, 1948 (13 F. R. 3545). Exceptions were filed by Columbus handlers and by the Central Ohio Cooperative Milk Producers, Inc. These exceptions have been considered and appropriate revisions made. To the extent to which the findings and conclusions of the recommended decision, as hereinafter modified, are at variance with the exceptions, such exceptions are hereby overruled.

The material issues and the findings and conclusions of the recommended decision set forth in the Federal Register (F. R. Doc. 48–5764; 13 F. R. 3545) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein subject to the following amendments:

1. Insert following the period (.) in line 6 of the third paragraph of column 2, 13 F. R. 3546; F. R. Doc. 48–5764, the following sentence; "It is not a function of the order to eliminate the usual business risks incurred by handlers in storing condensed skim milk."

2. Insert following the period (.) in line 11 of the third paragraph of column 2, 13 F. R. 3546; F. R. Doc. 48–5764, the following: "The record shows that the excess skim milk disposed of to nonhandlers has been in the form of sweetened condensed skim milk. Plain condensed skim milk has a wide variety of uses and may be sold for uses involving reclassification to the higher-priced classes. Also, it is interchangeable with sweetened condensed skim milk for use in ice cream. For these reasons special provision for the pricing of excess skim milk may be limited to that disposed of in the form of sweetened condensed skim milk."

3. Delete the word "approximately" in line 4 of the fifth paragraph of column 3, 13 F. R. 3546; F. R. Doc. 48–5764, and substitute therefor the words "less than."

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Columbus, Ohio, Marketing Area," and "Order Amending the Order, as amended, Regulating the Handling of Milk in the Columbus, Ohio, Marketing Area," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure covering proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the Federal Register. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with the decision.

Determination of representative period. The month of February 1948, is

hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Columbus, Ohio, milk marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

This decision filed at Washington, D. C., this 12th day of August 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order, Amending the Order, as Amended, Regulating the Handling of Milk in the Columbus, Ohio, Marketing Area[1]

§ 974.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supps., 900.1 et seq.; 12 F. R. 1159, 4904), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Columbus, Ohio, milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to section 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Columbus, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Add the following proviso to § 974.6 (a): "*Provided*, That such handler shall be credited with the average difference for the months of April, May, and June between the Class III and Class IV prices for skim milk, with respect to excess skim milk derived from producer milk received by him during any delivery period after March 31, 1949, which is disposed of by such handler during the following January, February, or March in the form of sweetened condensed skim milk to a person whose supply of milk is not produced under permits as specified in § 974.1 (g) (for the purposes of this proviso excess skim milk shall be determined by computing for each delivery period any plus balance resulting from the subtraction, for such delivery period, of (1) skim milk in other source milk allocated to Class III milk pursuant to § 974.4 (f), (2) the skim milk equivalent of sweetened condensed skim milk utilized in ice cream and ice cream mix, and (3) the skim milk equivalent of sweetened condensed skim milk disposed of to other handlers and to persons who are not handlers, from the sum of the skim milk equivalent of gross utilization in sweetened condensed skim milk and such balance, if any, for the preceding delivery period):"

2. Insert in § 974.6 (c) (3) following the words "as computed" the following "(to the nearest dollar per hundredweight.)"

[F. R. Doc. 48-7406; Filed, Aug. 17, 1948; 8:51 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

NOTICES

POST OFFICE DEPARTMENT

INTERNATIONAL MAILS

RELIEF PACKAGES

In accordance with the provisions outlined in the notice entitled "Relief Packages," published in the FEDERAL REGISTER on July 23, 1948 (13 F. R. 4240), and for the convenience of the public and postal employees, the following postage rates are applicable, until further notice, to parcels coming under the category of "U. S. A. Relief Parcels":

Ten cents per pound for the following countries: Belgium, England, France, Germany (U. S., British and French Zones only), Italy, Netherlands, Northern Ireland, Scotland, Trieste, and Wales.

AUSTRIA

[Rates include transit charges and surcharges]

Pounds:	Rate	Pounds:	Rate
1	$0.36	12	$1.69
2	.46	13	1.79
3	.59	14	1.89
4	.69	15	1.99
5	.79	16	2.09
6	.89	17	2.19
7	.99	18	2.29
8	1.13	19	2.39
9	1.23	20	2.49
10	1.33	21	2.59
11	1.43	22	2.69

GREECE

[Rates include surcharges]

Pounds:	Rate	Pounds:	Rate
1	$0.10	12	$1.45
2	.20	13	1.55
3	.55	14	1.65
4	.65	15	1.75
5	.75	16	1.85
6	.85	17	1.95
7	.95	18	2.05
8	1.05	19	2.15
9	1.15	20	2.25
10	1.25	21	2.35
11	1.35	22	2.45

LUXEMBURG

[Rates include transit charges]

Pounds:	Rate	Pounds:	Rate
1	$0.22	23	$2.84
2	.32	24	2.94
3	.50	25	3.04
4	.60	26	3.14
5	.70	27	3.24
6	.80	28	3.34
7	.90	29	3.44
8	1.00	30	3.54
9	1.10	31	3.64
10	1.20	32	3.74
11	1.30	33	3.84
12	1.58	34	4.10
13	1.68	35	4.20
14	1.78	36	4.30
15	1.88	37	4.40
16	1.98	38	4.50
17	2.08	39	4.60
18	2.18	40	4.70
19	2.28	41	4.80
20	2.38	42	4.90
21	2.48	43	5.00
22	2.58	44	5.10

CHINA

[Rates include surcharges]

Pounds:	Rate	Pounds:	Rate
1	$0.18	3	$0.54
2	.36	4	.72

CHINA—Continued

[Rates include surcharges]

Pounds:	Rate	Pounds:	Rate
5	$0.90	28	$5.04
6	1.08	29	5.22
7	1.26	30	5.40
8	1.44	31	5.58
9	1.62	32	5.76
10	1.80	33	5.94
11	1.98	34	6.12
12	2.16	35	6.30
13	2.34	36	6.48
14	2.52	37	6.66
15	2.70	38	6.84
16	2.88	39	7.02
17	3.06	40	7.20
18	3.24	41	7.38
19	3.42	42	7.56
20	3.60	43	7.74
21	3.78	44	7.92
22	3.96	45	8.10
23	4.14	46	8.28
24	4.32	47	8.46
25	4.50	48	8.64
26	4.68	49	8.82
27	4.86	50	9.00

As noted above, the foregoing rates are applicable only to relief parcels which conform to the conditions prescribed in the notice of July 23, 1948 (13 F. R. 4240). Parcels not conforming to those conditions do not benefit by the reduced postage rates shown above, but are subject to the regular parcel post rates.

The following instructions are also applicable to gift parcels mailed under the provisions of the notice of July 23, 1948 (13 F. R. 4240):

1. Each such parcel must bear the name of an individual as sender. However, there is no objection to such individual's address being in care of a charitable organization or of a commercial firm which may have prepared the parcel for mailing.

2. Each such parcel must be addressed to an individual. However, there is no objection to such individual's address being in care of a charitable or other organization.

3. The parcels may not be addressed to the Soviet zone of Germany, including the Soviet sector of Berlin, or the Yugoslav zone of Trieste. However, parcels offered for mailing to Berlin or Trieste but having no sector indicated in the address may be accepted as "U. S. A. Gift Parcels." The addresses of all parcels for other places in Germany than Berlin are required to contain an indication of the zone of destination.

J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 48-7385; Filed, Aug. 17, 1948; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 33477]

CALIFORNIA

CLASSIFICATION ORDER

JULY 30, 1948.

1. Pursuant to the authority delegated to me by the Secretary of the Interior by Order No. 2325 dated May 24, 1947 (43 CFR 4.275 (b) (3), 12 F. R. 3566), I hereby classify under the small tract act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described lands in the Los Angeles, California, land district embracing 1,200 acres:

SMALL TRACT CLASSIFICATION NO. 155

CALIFORNIA NO. 63

For leasing and sale for all of the purposes mentioned in the act except business sites.

T. 3 S., R. 6 E., S. B. M.,
Sec. 22, SW¼, W½SE¼; 26, S½; 28, all.

(Subject to right-of-way, for telephone and telegraph line, Los Angeles 051040, as to the tracts invaded thereby in secs. 22 and 25, act of March 4, 1911, 36 Stat. 1253; for aqueduct road, Los Angeles 051061 as to tracts invaded thereby in secs. 22 and 26, and for transmission and telephone line Los Angeles 051290, as to the tracts invaded thereby in secs. 26 and 28, both under the act of June 8, 1932, 47 Stat. 324.)

2. These lands lie on sloping plains or small basin-valleys at the base of the Little San Bernardino Mountain foothills, within the upper limits of the Coachella Valley in Riverside County, California. They are about 22 miles northwest of Indio and about 16 miles northeast of Palm Springs. The Dillon highway crosses the land in secs. 22 and 26. Several unimproved roads provide access from the highway.

3. Pursuant to § 257.9 of the Code of Federal Regulations (43 CFR, Part 257, Circ. 1647, May 27, 1947, and Circ. 1665, November 19, 1947), a preference right to a lease is accorded to those applicants whose applications (a) were regularly filed, under the regulations issued pursuant to the act, prior to 3:05 p. m. on April 12, 1948, and (b) are for the type of site for which the land subject thereunder has been classified. As to such applications, this order shall become effective upon the date on which it is signed.

4. As to the land not covered by the applications referred to in paragraph 3, this order shall not become effective to permit the leasing of such land under the small tract act of June 1, 1938, cited above, until 10:00 a. m. on October 1, 1948. At that time such land shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection, as follows:

(a) *Ninety-day period for other preference-right filings.* For a period of 90 days from 10:00 a. m. on October 1, 1948 to close of business on December 30, 1948, inclusive, to (1) application under the small tract act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747) as amended May 31, 1947 (61 Stat. 123, 43 U. S. C. 279), and by other qualified persons entitled to credit for service under the said act, subject to the requirements of applicable law, and (2) application under any applicable public land law, based on prior existing valid settlement right and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans and by other persons entitled to credit for service shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference-right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed at 3:05 p. m. on April 12, 1948, or thereafter, up to and including 10:00 a. m. on October 1, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public land laws.* Commencing at 10:00 a. m. on December 31, 1948, any of the land remaining unappropriated shall become subject to application.

(d) *Advance period for simultaneous non-preference-right filings.* Applications under the small tract act by the general public filed at 3:05 p. m. on April 12, 1948, or thereafter, up to and including 10:00 a. m. on December 31, 1948, shall be treated as simultaneously filed.

5. Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Other persons entitled to credit for service shall file evidence of their right to credit in accordance with 43 CFR 181.38 (Circ. 1588). Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

6. All applications referred to in paragraphs 3 and 4, which shall be filed in the district office at Los Angeles, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circ. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

7. Leases will be for a period of 5 years at an annual rental of $5, payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause, application for which may be filed at or after the expiration of one year from the date the lease is issued.

8. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension extending east and west in secs. 22 and 28, and north and south in sec. 26. The tracts, whenever possible, must conform in description with the rectangular system of surveys as one compact unit; i. e., the N½ or the S½ of a quarter-quarter-quarter section in secs. 22 and 28, and the E½ or W½ of a quarter-quarter-quarter section in sec. 26.

9. Preference right leases refered to in paragraph 3 will be issued for the land described in the application, irrespective of the direction of the tract, provided the tract conforms or is made to conform to the area and dimensions specified above.

10. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, the Acting Manager is authorized to accept appli-

cations for the remaining 5-acre tract extending in the same direction so as to fill out the subdivision, notwithstanding the direction of the tract may be contrary to that specified in paragraph 8.

11. All inquiries relating to these lands shall be addressed to the Acting Manager, District Land Office, Los Angeles 12, California.

MARION CLAWSON,
Director.

[F. R. Doc. 48-7381; Filed, Aug. 17, 1948; 8:45 a. m.]

[Misc. 1661727]

NEVADA

MODIFYING GRAZING DISTRICT NO. 3

Under and pursuant to the authority vested in me by the provisions of the act of June 28, 1934 (48 Stat. 1269, 43 U. S. C. 315 et seq.), as amended, commonly known as the Taylor Grazing Act, and subject to the limitations and conditions therein contained, the following described lands are hereby added to Nevada Grazing District No. 3:

NEVADA

MOUNT DIABLO MERIDIAN

T. 11 N., R. 34 E., that part in Nye County.
T. 12 N., R. 34 E., that part in Nye County.
T. 13 N., R. 34 E., that part in Nye County.
T. 11 N., R. 35 E., that part in Nye County.
T. 12 N., R. 35 E.
T. 13 N., R. 35 E., that part in Nye County.
T. 14 N., R. 35 E., that part in Nye County.
T. 11 N., R. 36 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 12 N., R. 36 E.,
Secs. 1 to 24, inclusive;
Secs. 27 to 33, inclusive;
Sec. 34, NW¼.
T. 13 N., R. 36 E.
T. 14 N., R. 36 E., that part in Nye County.
T. 12 N., R. 37 E.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive.
T. 13 N., R. 37 E.,
Sec. 3, W½;
Secs. 4 to 9, inclusive;
Sec. 10, W½;
Sec. 16, N½, SW¼;
Secs. 17 to 20, inclusive;
Sec. 21, NW¼;
Secs. 29 to 32, inclusive.
T. 14 N., R. 37 E., that part in Nye County.

The area described, including both public and non-public lands, aggregates approximately 194,320 acres.

The Federal Range Code (43 C. F. R. Cum. Sup., Part 161), as amended, shall be effective as to the lands embraced herein from and after the date of publication of this order in the FEDERAL REGISTER, except that the lands embraced herein shall not be subject to § 161.8, paragraphs (b), (c), (d), (e), until one year from the date of such publication.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

JULY 27, 1948.

[F. R. Doc. 48-7380; Filed, Aug. 17, 1948; 8:45 a. m.]

OREGON

AIR-NAVIGATION SITE WITHDRAWAL NO. 252 ESTABLISHED

Correction

In F. R. Doc. 48-7250, appearing in the issue for Thursday, August 12, 1948, on page 4680, the word "of" in the last line should read "for".

FEDERAL POWER COMMISSION

[Docket No. G-1061]

HOPE NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed June 24, 1948, by Hope Natural Gas Company (Applicant), a West Virginia corporation having its principal place of business at Clarksburg, West Virginia, for an order pursuant to section 7 of the Natural Gas Act, permitting Applicant to abandon and remove certain natural-gas facilities comprising compressor stations at Bee Compressor Station, Calhoun County, West Virginia; Cove Lick Compressor Station, Lewis County, West Virginia; Deep Valley Compressor Station, Doddridge County, West Virginia; Hazel Green Compressor Station, Ritchie County, West Virginia; Indian Creek Compressor Station, Monongalia County, West Virginia; Russett Compressor Station, Calhoun County, West Virginia; and natural-gas facilities at Wilsonburg Compressor Station, Harrison County, West Virginia, with the exception of one 500 h. p. gas engine driven compressor unit to be relocated at Applicant's Fink Station for storage area purposes, subject to the jurisdiction of the Commission, as fully described in the application on file with the Commission and open to public inspection;

It appears to the Commission that: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on July 15, 1948 (13 F. R. 4027).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held August 24, 1948, at 9:45 a. m. (e. d. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: August 12, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-7382; Filed, Aug. 17, 1948; 8:45 a. m.]

[Docket No. G-1068]

UNITED GAS PIPE LINE CO.

ORDER FIXING DATE OF HEARING

AUGUST 12, 1948.

Upon consideration of the application filed July 1, 1948, by United Gas Pipe Line Company (Applicant), a Delaware corporation, with its principal place of business at Shreveport, Louisiana, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and continued operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection;

It appears to the Commission that: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on July 20, 1948 (13 F. R. 4139).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on August 24, 1948, at 9:30 a. m. (e. d. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: August 12, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-7383; Filed, Aug. 17, 1948; 8:46 a. m.]

[Docket No. G–1100]

UNITED GAS PIPE LINE CO.

ORDER SUSPENDING RATE SCHEDULE

It appearing to the Commission that:

(a) United Gas Pipe Line Company (United) submitted for filing on July 20, 1948, a proposed supplement designated as Supplement No. 4 to its Rate Schedule FPC No. 78A, which gives notice of United's intention to increase the rates and charges to Texas Gas Transmission Corporation (Texas Gas Transmission) as a result of the application of a tax adjustment clause to an additional gathering tax passed by the State of Louisiana.

(b) On December 8, 1947, United filed a supplementary agreement (Supplement No. 3) modifying the method of determining United's peak-day responsibility under its Rate Schedule FPC No. 78–A. The Commission's order accepting this supplemental agreement provided as follows with respect to the tax adjustment clause:

> The rates and charges demanded by United Gas Pipe Line Company under the above supplement are determined by the application of said Supplement No. 3 in conjunction with Rate Schedule FPC No. 78–A and said rate schedule contains provisions for adjustments in charges to be made for taxes that may be imposed; however, such adjustments before becoming effective are required to be filed and notice given as required by section 4 (d) of the Natural Gas Act and § 154.3 (c) of the Commission's regulations under the Natural Gas Act providing for the filing and giving of notice of changes in rates and charges.

(c) The proposed supplement referred to in paragraph (a) consists of a letter notifying the Commission that United proposes to bill Texas Gas Transmission for increased taxes imposed by the State of Louisiana under House Bill No. 231, passed by the 1948 Legislature.

(d) United estimates that for the year beginning July 1, 1948, the increase in charges effected by the proposed adjustment would be $25,980, or 8.7%.

(e) United has not furnished the Commission with cost information which would support or justify the proposed increased rates and charges nor has it submitted all of the data as required by § 154.3 (c) (6) of the Commission's regulations under the Natural Gas Act relating to the increased rates and charges.

(f) United has been and is now a natural gas company, subject to the jurisdiction of the Commission under the Natural Gas Act, engaged in the transportation of natural gas in the States of Texas, Mississippi, Louisiana, Alabama and Florida and in the sale in interstate commerce of natural gas so transported to various purchasers for resale for ultimate public consumption for domestic, commercial, industrial and other uses.

(g) The rates, charges, classifications, rules, regulations, practices and contract requirements to be made, demanded, collected and imposed, as set forth in the aforesaid Supplement No. 4, may be unjust, unreasonable, unduly discriminatory and prejudicial.

(h) The aforesaid provisions relating to subsequent changes and adjustments, referred to in paragraphs (a), (c) and (d), above, may be unlawful and contrary to the provisions of section 4 (d) of the Natural Gas Act and § 154.3 (c) of the Commission's regulations thereunder.

The Commission finds that: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed rates, charges, and classifications as set forth in the aforesaid Supplement No. 4, referred to in paragraph (a) and that said Supplement should be suspended as hereinafter provided and use deferred pending hearing and decision thereon.

The Commission orders that:

(A) A public hearing to be held on a date to be hereafter fixed by the Commission in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of the rates, charges and classifications subject to the jurisdiction of the Commission as set forth in the aforesaid designated Supplement No. 4, referred to in paragraph (a) tendered for filing by the United Gas Pipe Line Company.

(B) Pending such hearing and decision thereon, Supplement No. 4, referred to in paragraph (a), submitted by United Gas Pipe Line Company, be and it hereby is suspended and use deferred of such rates, charges and classifications until January 19, 1949, or until such time thereafter as said supplement may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: August 12, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48–7384; Filed, Aug. 17, 1948; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7–1073]

WILLYS-OVERLAND MOTORS, INC

FINDINGS AND ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of August A. D. 1948.

The Boston Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the common stock, $1 par value, of Willys-Overland Motors, Inc., Toledo, Ohio.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Boston Stock Exchange is the New England States exclusive of Fairfield County, Connecticut; that out of a total of 2,200,954 shares outstanding, 28,786 shares are owned in the vicinity of the Boston Stock Exchange; and that in the vicinity of the Boston Stock Exchange there were 447 transactions in this security involving 52,583 shares during the period from February 1, 1947 to May 31, 1948.

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Boston Stock Exchange for permission to extend unlisted trading privileges to the common stock, $1 par value, of Willys-Overland Motors, Inc., be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48–7394; Filed, Aug. 17, 1948; 8:48 a. m.]

[File No. 7–1074]

SUNRAY OIL CORP.

FINDINGS AND ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of August A. D. 1948.

The Boston Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, and Rule X-12F-1, for permission to extend unlisted trading privileges to the common stock, $1 par value, of Sunray Oil Corporation, Tulsa, Oklahoma.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the New York Stock Exchange and the Los Angeles Stock Exchange; that the geographical area deemed to constitute the vincinity of the Boston Stock Exchange in the New England States exclusive of Fairfield County, Connecticut; that out of a total of 4,904,647,130 shares of this security outstand-

ing, 137,718 shares are owned by 1,400 shareholders in the vicinity of the Boston stock Exchange; and that in the vicinity of the Boston Stock Exchange there were 1,367 transactions in this security involving 132,602 shares during the period from June 1, 1947, to May 31, 1948.

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Boston Stock Exchange for permission to extend unlisted trading privileges to the common stock, $1 par value, of Sunray Oil Corporation be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-7395; Filed, Aug. 17, 1948; 8:49 a. m.]

[File No. 7-1078]

ILLINOIS CENTRAL RAILROAD CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of August 1948.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the $100.00 par value common stock of Illinois Central Railroad Company, a security listed and registered on the Chicago Stock Exchange and the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to September 8, 1948, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-7389; Filed, Aug. 17, 1948; 8:47 a. m.]

[File No. 7-1079]

AMERICAN WOOLEN CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of August A. D. 1948.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the no par common stock of American Woolen Company, a security listed and registered on the Boston Stock Exchange and the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to September 8, 1948, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-7390; Filed, Aug. 17, 1948; 8:47 a. m.]

[File No. 7-1080]

AMERICAN POWER AND LIGHT CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of August A. D. 1948.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the no par common stock of American Power and Light Company, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to September 8, 1948, the Commission will set this matter down for hearing. In addition, any interested person may submit his views of any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-7391; Filed, Aug. 17, 1948; 8:48 a. m.]

[File No. 7-1081]

TRI-CONTINENTAL CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of August A. D. 1948.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the $1.00 par value Common stock of Tri-Continental Corporation, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to September 8, 1948, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis

of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-7392; Filed, Aug. 17, 1948; 8:48 a. m.]

[File No. 7-1082]

CLEVELAND ELECTRIC ILLUMINATING CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of August A. D. 1948.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the common stock, no par value, of Cleveland Electric Illuminating Company, a security listed and registered on the Cleveland Stock Exchange and the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to September 8, 1948, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-7393; Filed, Aug. 17, 1948; 8:48 a. m.]

[File No. 54-135]

NIAGARA HUDSON POWER CORP. ET AL.

ORDER APPROVING PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of August 1948.

In the matter of Niagara Hudson Power Corporation, Central New York Power Corporation, Northern Development Corporation, File No. 54-135.

Niagara Hudson Power Corporation ("Niagara Hudson"), a registered holding company, and Central New York Power Corporation and Northern Development Corporation, subsidiaries of Niagara Hudson, having filed a joint application under section 11 (e) of the Public Utility Holding Company Act of 1935 for approval of a plan proposing the merger of Northern Development Corporation into Central New York Power Corporation and related transactions; and

A public hearing having been held after appropriate notice and the Commission having considered the record and having made and filed its findings and opinion herein:

It is ordered, Pursuant to section 11 (e) of the act, and other applicable provisions of the act, that the plan be, and hereby is, approved, and that the applications and declarations with respect to the transactions involved in consummation of the plan be, and they thereby are, granted and permitted to become effective, respectively, subject to the conditions specified in Rule U-24 of the general rules and regulations promulgated under the act.

The applicants having requested that the order of the Commission herein conform to the formal requirements specified in Supplement R and section 1808 (f) of the Internal Revenue Code and contain the recitals and specifications prescribed therein; and it appearing to the Commission that applicants' request in this respect should be granted:

It is further ordered and recited, That the transactions proposed in the aforesaid plant to be effected by Niagara Hudson Power Corporation, Central New York Power Corporation and Northern Development Corporation, including particularly those hereinafter described and recited, are necessary or appropriate to effectuate the provisions of subsection (b) of section 11 of the Public Utility Holding Company Act of 1935 and are hereby authorized, approved and directed:

(1) The issuance to Niagara Hudson Power Corporation by Central New York Power Corporation of 250,000 additional shares of no par value common capital stock of said Central New York Power Corporation;

(2) The transfer to Central New York Power Corporation by Niagara Hudson Power Corporation of 182,000 shares of the common capital stock of Northern Development Corporation now outstanding; and

(3) The transfer or conveyance to Central New York Power Corporation upon and by the effect of the merger of Central New York Power Corporation and Northern Development Corporation of all the right, title and interest of Northern Development Corporation in and to any lands, tenements or realty.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-7397; Filed, Aug. 17, 1948; 8:49 a. m.]

[File Nos. 54-25, 59-11, 59-17]

UNITED LIGHT AND RAILWAYS CO. ET AL.

SUPPLEMENTAL ORDER GRANTING AND PERMITTING THE APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 11th day of August A. D. 1948.

In the matter of the United Light and Railways Company, American Light & Traction Company, et al. File Nos. 59-11, 59-17 and 54-25.

American Light & Traction Company ("American Light"), a registered holding company, having filed an application-declaration and an amendment thereto, in accordance with the applicable provisions of the Public Utility Holding Company Act of 1935 ("act") and the rules promulgated thereunder with respect to the proposed sale, pursuant to the competitive bidding requirements of Rule U-50, of 190,000 shares of the common stock of The Detroit Edison Company ("Detroit Edison") and the use of the proceeds received from such sale; and

The Commission by order dated August 5, 1948, having severed the proposal with respect to the sale by American Light of the said Detroit Edison common stock from the other transactions proposed in said application-declaration and having granted and permitted to become effective said application-declaration in so far as it related to the proposed sale of 190,000 shares of Detroit Edison common stock subject to the condition that the sale not be consummated until the results of competitive bidding shall have been made a matter of record in the proceeding and a further order shall have been entered by the Commission in the light of the record as so completed; jurisdiction for which purpose was reserved, and having further reserved jurisdiction with respect to the issues presented by the proposed use of the proceeds of said sale and all other issues presented by the application-declaration; and

American Light having filed a further amendment stating that in accordance with the order of the Commission dated August 5, 1948 it offered said stock for sale pursuant to the competitive bidding requirements of Rule U-50 and received the following bids:

Name of bidder:	*Price per share to company*
Blyth & Co., Inc.	$20.01
The First Boston Corp.	19.929
Coffin & Burr, Inc., and Spencer Trask & Co.	19.777

The amendment further stating that the bid of Blyth & Company, Inc., for the stock has been accepted, and that the purchasers propose to offer the stock to the public at $20.625 per share resulting in an underwriting spread of $.615 per share which is equal to 3.07% of the price to the company and 2.98% of the public offering price; and

It appearing that the estimated fees and expenses proposed to be paid by American Light in connection with the sale of the Detroit Edison common stock,

aggregating $9,750, including counsel fees payable, $4,500 to Sidley, Austin, Burgess and Harper, $500 to Fischer, Brown, Sprague, Franklin and Ford and $2,500 to Sullivan and Cromwell and the fees of independent counsel, estimated at $4,000 to be paid by the successful bidder to Chadbourne, Hunt, Jaeckel and Brown are not unreasonable; and

The Commission having examined and considered the record herein and finding that the applicable standards of the act and the rules and regulations thereunder with respect to the sale of said stock have been complied with, and observing no basis for imposing terms and conditions with respect to the price to be received for said stock or the underwriting spread and the allocation thereof;

It is ordered, Subject to the terms and conditions prescribed by Rule U-24, that the application-declaration, as amended, as it relates to the proposed sale by American Light of 190,000 shares of the common stock of Detroit Edison be, and hereby is, granted and permitted to become effective forthwith and the jurisdiction heretofore reserved with respect to the price to be received by the company for said stock, the underwriters' compensation and the fees and expenses to be incurred and paid in connection with said sale and the use of the proceeds to the extent necessary for the payment of such fees and expenses, be, and hereby is, released; and

It is further ordered, That the reservation of jurisdiction over the use of the proceeds from the sale of said stock, after the payment of fees and expenses in connection therewith, and over all other issues presented by said application-declaration be, and hereby is, continued.

It is further ordered and recited, That the sale and transfer by American Light of 190,000 shares (out of Certificate No. K-142) of Capital Stock of Detroit Edison at the price of $20.01 per share is necessary or appropriate to the integration or simplification of the holding company system of which American Light is a member, and is necessary or appropriate to effectuate the provisions of section 11 (b) of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-7387; Filed, Aug. 17, 1948; 8:47 a. m.]

[File No. 70-1465]

REPUBLIC SERVICE CORP. AND PENNSYLVANIA POWER & LIGHT CO.

SUPPLEMENTAL ORDER PERMITTING SALE AND TRANSFER OF CERTAIN SHARES OF COMMON STOCK

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 11th day of August A. D. 1948.

The Commission on September 29, 1947, having issued its Findings, Opinion, and Order approving, among other things, the sale by Republic Service Corporation ("Republic") of all the outstanding securities of two public utility companies and one non-utility company, namely, The Mauch Chunk Heat, Power and Light Company, Renovo Edison Light, Heat and Power Company, and Renovo Heating Company to Pennsylvania Power & Light Company ("Pennsylvania") for the base consideration of $674,590 to be paid in shares of Pennsylvania common stock, and accordingly Republic having acquired 34,156 shares of Pennsylvania common stock; and

The Commission having conditioned its order with respect to the acquisition by Republic of the said Pennsylvania common stock as follows: "That Republic shall divest itself of all the shares of Pennsylvania's common stock, which it acquires as a result of this transaction, within six months from the date of acquisition"; and

Republic having subsequently sold 20,000 shares of such stock after notifying the Commission of its intention to do so and having requested the Commission to extend the time in which to dispose of the remaining 14,156 shares; and

The Commission having entered its findings, opinion, and order dated April 29, 1948 (Republic Service Corporation and its Subsidiary Companies, — S. E. C. — (1948), Holding Company Act Release No. 8170) approving Republic's Amended Joint Plan of Reorganization and, among other things, having extended the time in which Republic was required to sell the remaining 14,156 shares of Pennsylvania's common stock to the date of the consummation of Republic's said Amended Joint Plan of Reorganization; and

Republic having subsequently disposed of the remaining 14,156 shares of said common stock in various amounts, except for 5,800 shares; and

Republic having now advised the Commission that it has entered into a contract to sell 5,800 shares of the common stock of Pennsylvania, and having requested that the Commission enter an appropriate order to conform to the requirements of sections 371 and 1808 of the Internal Revenue Code, as amended; and

The Commission deeming the sale of the common stock of Pennsylvania by Republic to be a step in compliance with the above-mentioned order and necessary or appropriate to effectuate the provisions of section 11 (b) of the act and deeming it appropriate to grant the request of Republic as to suggested recitals;

It is hereby ordered and recited, That the sale and transfer by Republic of 5,800 shares of said 34,156 shares of common stock of Pennsylvania are necessary or appropriate to the integration or simplification of the holding company system of which Republic is a member and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-7388; Filed, Aug. 17, 1948; 8:47 a. m.]

[File No. 70-1767]

TEXAS POWER & LIGHT CO.

ORDER RELEASING JURISDICTION OVER LEGAL FEES

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 11th day of August A. D. 1948.

The Commission having by orders dated March 29, 1948 and April 13, 1948 granted certain amended applications and permitted to become effective certain amended declarations filed by Texas Power & Light Company ("Texas Power"), an electric utility subsidiary of Texas Utilities Company, a subsidiary of American Power & Light Company, in turn a subsidiary of Electric Bond and Share Company, the three latter companies being registered holding companies, regarding the issue and sale by Texas Power, pursuant to the competitive bidding requirements of Rule U-50 of $2,000,000 principal amount of First Mortgage Bonds 3% Series, due 1978 ("Bonds"), and $7,000,000 principal amount of 3¼% Sinking Fund Debentures due 1973 ("Debentures"); and

Said order of April 13, 1948, having contained a reservation of jurisdiction over the proposed payment by Texas Power and by the successful bidders for said Bonds and Debentures of legal fees, as follows:

Burford, Ryburn, Hincks & Ford (local counsel)	$11,000
Reid & Priest (New York counsel)	11,000
Winthrop, Stimson, Putnam & Roberts (counsel for successful bidders)	7,500

and said law firms having submitted additional evidence with respect to the services rendered in these proceedings and said law firms, Texas Power, and the successful bidders having agreed upon the payment of fees in the amounts listed above subject to this Commission's order; and

The Commission having examined said additional evidence and finding that the payment of legal fees to the firms indicated in the amounts proposed is not unreasonable since it appears from such additional evidence that the fees claimed by the firms of Reid & Priest, and Burford, Ryburn, Hincks & Ford include charges for services performed in connection with the issuance of additional common stock (File No. 70-1754) by Texas Power as a part of the Company's overall 1948 financing program, and finding it appropriate in the public interest to release jurisdiction over the payment of such fees;

It is ordered, That jurisdiction heretofore reserved with respect to the payment of fees and expenses of counsel in connection with the issuance and sale of said bonds and debentures, including fees payable to counsel for the successful bidders be, and the same hereby is, released.

It is further ordered, That said orders of March 29, 1948 and April 13, 1948 be,

except as herein expressly modified, continued in full force and effect.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-7399; Filed, Aug. 17, 1948; 8:49 a. m.]

[File No. 70-1883]

ILLINOIS POWER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 12th day of August 1948.

Illinois Power Company ("Illinois"), a registered holding company and a public utility subsidiary of North American Light & Power Company and The North American Company, both registered holding companies, having filed an application-declaration and amendments thereto, pursuant to sections 6, 7, and 12 of the Public Utility Holding Company Act of 1935 and certain rules and regulations promulgated thereunder relating to the transactions summarized below:

Illinois proposes to call for redemption, on 30 days' notice, all its outstanding shares of 5% Cumulative Convertible Preferred Stock, $50 par value, of which there were 239,945 shares outstanding as of July 15, 1948, at the call price of $52.50 per share. Each share of Preferred Stock is, by its terms, convertible at any time into 2 shares of Common Stock. Illinois also proposes to issue and sell all unissued shares of its Common Stock reserved for conversion of Preferred Stock; as of July 15, 1948, there were 479,890 shares of Common Stock so reserved. The Company proposes to have the issuance and sale of the Common Stock underwritten through an agreement which will cover a commitment to purchase any shares of Common Stock which are not issued in conversion of the Preferred Stock prior to the redemption date. Illinois proposes to solicit the holders of its Preferred Stock for conversions and proposes to pay fees for securing conversions to dealers who are included in the underwriting group. The proceeds of any shares of Common Stock sold to the underwriters will be used to redeem any Preferred Stock which is not converted.

Illinois has requested an exemption from the competitive bidding requirements of Rule U-50 and has also requested that the Commission's order herein become effective on the date of issuance.

The application-declaration having been filed on June 30, 1948, and amendments thereto having been filed on August 4, 1948, and August 12, 1948, notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said application-declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission deeming it appropriate to consider the aforesaid amended application, insofar as it relates to the proposed issuance and sale of the Common Stock, as a declaration pursuant to sections 6 (a) and 7 of said act; and finding that the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, and that it is not necessary to impose any terms and conditions other than those set forth below, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that the said declaration, as amended, be permitted to become effective forthwith and that the application for exemption from the competitive bidding requirements of Rule U-50 be granted:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said act, that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24 and subject to the following additional conditions:

(1) That the proposed issue and sale of the Common Stock shall not be consummated until a further amendment has been filed stating the results of the negotiations with prospective underwriters and dealers and submitting, in definitive form, copies of all contracts or agreements proposed to be entered into concerning the proposed transactions and a further order shall have been entered with respect thereto which order may contain such further terms and conditions as may then be deemed appropriate, jurisdiction for the foregoing purposes being hereby specifically reserved;

(2) That jurisdiction be, and hereby is, reserved with respect to all legal and auditors' fees and expenses to be paid in connection with the proposed transaction;

(3) That the proposed issue and sale of Common Stock shall not be consummated until an order of approval is secured by Illinois from the Illinois Commerce Commission and a certified copy of such order is made a matter of record herein.

It is further ordered, That the application for exemption from the competitive bidding requirements of Rule U-50 be, and the same hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-7400; Filed, Aug. 17, 1948; 8:50 a. m.]

[File No. 70-1891]

MARLBOROUGH-HUDSON GAS CO. AND NEW ENGLAND GAS AND ELECTRIC ASSN.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of August 1948.

New England Gas and Electric Association ("New England"), a registered holding company, and its subsidiary, Marlborough-Hudson Gas Company ("Marlborough-Hudson"), having filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 9 (a), 10, and 12 (f) thereof and Rule U-43 promulgated thereunder, with respect to the issue and sale by Marlborough-Hudson to New England of 1,450 shares of common stock of the par value of $100 per share, at a price of $100 per share, or an aggregate of $145,000; $125,000 of the proceeds from such sale to be used to pay off $125,000 of the company's floating indebtedness incurred for extensions, additions and improvements to its plant and properties and represented by open account advance from New England, and the balance of the proceeds amounting to $20,000 to be expended for plant additions and betterments subsequent to December 31, 1947, said issue and sale of common stock having been approved by the Department of Public Utilities of Massachusetts by order dated June 24, 1948; and

Said joint application-declaration having been filed on July 16, 1948, and notice of such filing having been duly given in the manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and that no adverse findings are necessary and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration be granted and permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid joint application-declaration be, and hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-7396; Filed, Aug. 17, 1948; 8:49 a. m.]

[File No. 70-1896]

ARKANSAS POWER & LIGHT CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C. on the 12th day of August A. D. 1948.

Arkansas Power & Light Company, ("Arkansas") a utility subsidiary of Electric Power & Light Corporation ("Electric"), a registered holding company subsidiary of Electric Bond and Share Com-

pany, also a registered holding company, having filed an application-declaration and amendment thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b) and 7 thereof, and Rule U-50 thereunder with respect to the following transactions:

Arkansas proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50, $7,500,000 principal amount of its First Mortgage Bonds ____% Series, due 1978, to be issued under and secured by the company's presently existing Mortgage and Deed of Trust dated as of October 1, 1944, as supplemented by a First Supplemental Indenture dated as of July 1, 1947, and as it will be further supplemented by a Second Supplemental Indenture to be dated as of August 1, 1948. Of the cash proceeds, Arkansas presently proposes to add approximately $5,000,000 to its general cash funds on the basis of presently existing unfunded property additions and the Corporate trustees will retain in trust the balance of approximately $2,500,000 pending such time as such cash may be withdrawn by Arkansas on the basis of fundable property additions under the terms of the Mortgage and Deed of Trust dated as of October 1, 1944, as supplemented.

The application-declaration states that in the event an order shall be entered approving the proposed transactions this Commission may make such reservation of jurisdiction as it deems appropriate with respect to the results of competitive bidding and the reasonableness of legal fees and expenses to be incurred in connection with the proposed transaction.

The application-declaration having been filed on July 22, 1948, and an amendment thereto having been filed on August 11, 1948, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to the application-declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that Arkansas is entitled to an exemption from the provisions of sections 6 (a) and 7 of the act pursuant to the provisions of section 6 (b), it appearing that the issuance and sale of the proposed securities are solely for the purpose of financing the business of Arkansas as a public utility, and that the proposed transactions have been expressly authorized by the Arkansas Public Service Commission, the State Commission of the State in which Arkansas was organized and is doing business; and the Commission being of the opinion that it is appropriate to grant and permit to become effective said application-declaration, as amended, without the imposition of terms and conditions other than those hereinafter stated; and the Commission also deeming it appropriate to grant applicant-declarant's request that the order herein be effective forthwith upon the issuance thereof:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said act that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24, and subject to the following additional conditions, the imposition of which has been assented to by the Company.

(1) That the proposed sale of bonds of Arkansas shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding, and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

(2) That jurisdiction be reserved with respect to all fees and expenses to be paid in connection with the proposed transaction.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-7398; Filed, Aug. 17, 1948; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11637]

ING. OTTO RUHL

In re: stock owned by and debt owing to Ing. Otto Ruhl. F-28-20599-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ing. Otto Ruhl, whose last known address is P. O. Box Central 137, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. One thousand six hundred (1,600) shares of $25. par value ordinarily capital stock of the Canadian Pacific Railway Company, a corporation organized under the laws of the Dominion of Canada, evidenced by certificates numbered 150757/59, 155196, 166783/86, 167722/25, 179632 and 179634/36, at 100 shares each, registered in the name of Egger & Co., and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York 15, New York, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York 15, New York, representing that portion of an account entitled Netherlands Trading Society East, Inc., Dover, Delaware, Head Office Account, Amsterdam Account, Special Inc. Account, Blocked Netherlands and Japan, maintained at the aforesaid bank, arising out of the payment of dividends on the shares of stock described in subparagraph 2-a herein, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Ing. Otto Ruhl, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 14, 1948.

For the Attorney General.

[SEAL] HAROLD I. BOYNTON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 48-7415; Filed, Aug. 17, 1948; 8:59 a. m.]

[Vesting Order 11640]

FRANK WOEBER

In re: Stock and bond owned by and debts owing to Frank Woeber, also known as Franz Wober. F-28-28401-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frank Woeber, also known as Franz Wober, whose last known address is (13a) Trennfurt A/Main B/Klingenberg, Hauptstrasse 167¼ Bayern, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Ten (10) shares of $10.00 par value common capital stock of Forman Realty Corporation, 3172 Sheridan Road, Chicago 14, Illinois, a corporation organized under the laws of the State of Illinois, evidenced by certificate numbered C0978, registered in the name of Frank Woeber, and presently in the custody of Ignaz Rohleder, 2154 West Windsor Avenue, Chicago 25, Illinois, together with all declared and unpaid dividends thereon.

b. Ten (10) shares of no par value common capital stock of George M. For-

man Realty Trust, 3172 Sheridan Road, Chicago 14, Illinois, a corporation organized under the laws of the State of Illinois, evidenced by certificate numbered 11774, registered in the name of Frank Woeber, and presently in the custody of Ignaz Rohleder, 2154 West Windsor Avenue, Chicago 25, Illinois, together with all declared and unpaid dividends thereon,

c. One (1) 1400 Lake Shore Drive Corp. Bond, of $1,000.00 face value, bearing the number M1775, registered in the name of Frank Woeber, presently in the custody of Ignaz Rohleder, 2154 West Windsor Avenue, Chicago 25, Illinois, together with any and all rights thereunder and thereto,

d. That certain debt or other obligation owing to Frank Woeber, also known as Franz Wober, by Ignaz Rohleder, 2154 West Windsor Avenue, Chicago 25, Illinois, in the amount of $1,096.64, as of March 4, 1948, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

e. That certain debt or other obligation owing to Frank Woeber, also known as Franz Wober, by Albert Jochum and Marie Jochum, 707 Willow Street, Chicago, Illinois, evidenced by a judgment note, in the principal sum of $500.00, dated January 2, 1936, executed by Albert Jochum and Marie Jochum, 707 Willow Street, Chicago, Illinois, and presently in the custody of Ignaz Rohleder, 2154 West Windsor Avenue, Chicago 25, Illinois, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of the aforesaid note,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Frank Woeber, also known as Franz Wober, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 14, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-7416; Filed, Aug. 17, 1948; 8:59 a. m.]

[Supp. Vesting Order 11730]

GEORG B. KAUFMANN AND GERTRUDE KAUFMAN

In re: Stock owned by Georg B. Kaufmann and Gertrude Kaufman. F-28-303-D-1/2, F-28-26007-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Georg B. Kaufmann and Gertrude Kaufman, each of whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Four hundred eighty (480) shares of $1.00 par value common capital stock of Cleveland-Sandusky Brewing Corporation, 2764 East 55th Street, Cleveland 4, Ohio, evidenced by certificates numbered 3060 for three hundred (300) shares and 3061 for one hundred eighty (180) shares, registered in the name of the Attorney General of the United States and presently in the custody of the Attorney General of the United States, in an account numbered 28-29435, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Georg B. Kaufmann, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows: Four hundred eighty (480) shares of $1.00 par value common capital stock of Cleveland-Sandusky Brewing Corporation, 2764 East 55th Street, Cleveland 4, Ohio, evidenced by certificates numbered 3064 for three hundred (300) shares and 3065 for one hundred eighty (180) shares, registered in the name of the Attorney General of the United States and presently in the custody of the Attorney General of the United States, in an account numbered 28-29436, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Gertrude Kaufman, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-7418; Filed, Aug. 17, 1948; 8:59 a. m.]

[Vesting Order 11785]

ORMIG ORGANIZATIONS MITTEL G. M. B. H.

In re: Bank account owned by Ormig Organizations Mittel G. m. b. H. F-28-9085-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ormig Organizations Mittel G. m. b. H., the last known address of which is Berlin, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of National Safety Bank & Trust Co., 1384 Broadway, New York 18, New York, arising out of a checking account, entitled Werner Kruger, Trustee for Ormig Corporation, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ormig Organizations Mittel G. m. b. H., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7374; Filed, Aug. 16, 1948; 9:01 a. m.]

[Vesting Order 11736]

ADOLPH KARGER

In re: Estate of Adolph Karger, deceased. File D-28-4026; E. T. sec. 7568.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frau Irmagarde (Gyula) von Somogyi nee Karger, whose last known address was, on September 12, 1946, Hungary, was on such date a resident of Hungary and a national of a designated enemy country (Hungary);

2. That Lotta (Lotte) Karger, whose last known address was, on September 12, 1946, Germany, was on such date a resident of Germany and a national of a designated enemy country (Germany);

3. That the sum of $22,423.38 was paid to the Alien Property Custodian by Ruth K. Karger, Administratrix de bonis non with will annexed of the Estate of Adolph Karger, deceased;

4. That the said sum of $22,423.38 was accepted by the Alien Property Custodian on September 12, 1946, pursuant to the Trading with the Enemy Act, as amended;

5. That the said sum of $22,423.38 is presently in the possession of the Attorney General of the United States and was property in the process of administration by the aforesaid Ruth K. Karger, Administratrix de bonis non with will annexed, acting under the judicial supervision of the Probate Court of LaSalle County, Ottawa, Illinois, which was payable or deliverable to, or claimed by the aforesaid nationals of designated enemy countries (Hungary and Germany);

and it is hereby determined:

6. That to the extent that the person named in subparagraph 1 hereof was not within a designated enemy country on September 12, 1946, the national interest of the United States required that such person be treated as a national of a designated enemy country (Hungary) on such date;

7. That to the extent that the person named in subparagraph 2 hereof was not within a designated enemy country on September 12, 1946, the national interest of the United States required that such person be treated as a national of a designated enemy country (Germany) on such date.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 29, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-7417; Filed, Aug. 17, 1948; 8:59 a. m.]

[Vesting Order 11744]

RICHARD HUBSCHER AND ELLA HUBSCHER

In re: Checks owned by Richard Hubscher and Ella Hubscher. F-28-1148-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Richard Hubscher and Ella Hubscher whose last known address is German Str. 124, Berlin-Grunau, Germany, are residents of Germany and nationals of a designated enemy country (Germany).

2. That the property described as follows:

a. That certain debt or other obligation owing to Richard Hubscher arising out of the fifth interest dividend on claim No. 23-9272 against the First National Bank-Detroit, Detroit, Michigan, evidenced by a check dated November 1, 1940 payable to Richard Hubscher, drawn upon the National Bank of Detroit, Detroit, Michigan in the amount of $467.38, presently in the custody of the Comptroller of the Currency, Division of Insolvent National Banks, Washington 25, D. C., together with any and all rights to demand, enforce, and collect the same, including particularly but not limited to the rights to possession and presentation for collection and payment of the aforesaid check, and

b. That certain debt or other obligation owing to Richard Hubscher arising out of the sixth interest dividend on claim No. 23-9272 against the First National Bank-Detroit, Detroit, Michigan, evidenced by a check dated December 7, 1942 payable to Richard Hubscher, drawn upon the National Bank of Detroit, Detroit, Michigan in the amount of $123.75, presently in the custody of the Comptroller of the Currency, Division of Insolvent National Banks, Washington 25, D. C., together with any and all rights to demand, enforce, and collect the same, including particularly but not limited to the rights to possession and presentation for collection and payment of the aforesaid check,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Richard Hubscher, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation owing to Richard Hubscher or Ella Hubscher arising out of the sixth interest dividend on claim No. 2-9589 against the First National Bank-Detroit, Detroit, Michigan evidenced by a check dated December 7, 1942 payable to Richard Hubscher or Ella Hubscher drawn upon the National Bank of Detroit, Detroit, Michigan, in the amount of $113.17, presently in the custody of the Comptroller of the Currency, Division of Insolvent National Banks, Washington 25, D. C., together with any and all rights to demand, enforce, and collect the same, including particularly but not limited to the rights to possession and presentation for collection and payment of the aforesaid check,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Richard Hubscher and Ella Hubscher, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 29, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-7419; Filed, Aug. 17, 1948; 8:59 a. m.]

[Vesting Order 11818]

HELENE C. DE POURTALES

In re: Estate of Helene C. de Pourtales, deceased. File No. F-63-2715; E. T. sec. 15271.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alexandrine von Saldern, also known as Alix de Saldern, is a citizen of Germany who on or since the effective date of Executive Order 8389, as amended, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the estate of Helene C. de Pourtales, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Robert M. Youngs, as Ancillary Administrator, C. T. A., acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That the national interest of the United States requires that the person identified in subparagraph 1 hereof be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 10, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7376; Filed, Aug. 16, 1948; 9:01 a. m.]

[Vesting Order 11769]

PAUL GUENTHER ET AL.

In re: Trust indenture of Paul Guenther dated December 28, 1922, and Fidelity Union Trust Company, trustee, for the benefit of Olga Guenther, et als. File No. F-28-13637; E. T. sec. 756.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the Bruno and Theresa Guenther Trust Fund, the last known address of which is Geithain, Saxony, Germany, is a corporation, partnership, association or other organization, organized under the laws of Germany, which has or, on or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

2. That the person or persons, names unknown, who are the beneficiaries of said Bruno and Theresa Guenther Trust Fund, who, if individuals, there is reasonable cause to believe are residents of Germany, and, if corporations, partnerships, associations or other organizations, there is reasonable cause to believe are organized under the laws of and maintain their principal places of business in Germany, are nationals of a designated enemy country (Germany);

3. That the person or persons, names unknown, having the management of said Bruno and Theresa Guenther Trust Fund, who, if individuals, there is reasonable cause to believe are residents of Germany, and, if corporations, partnerships, associations or other organizations, there is reasonable cause to believe are organized under the laws of and maintain their principal places of business in Germany, are nationals of a designated enemy country (Germany);

4. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1, 2 and 3 hereof, in and to and arising out of or under that certain trust agreement dated December 28, 1922, by and between Paul Guenther, Settlor, and Fidelity Union Trust Company, 755 Broad Street, Newark 1, New Jersey, Trustee, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the person identified in subparagraph 1 hereof, the person or persons, names unknown, who are the beneficiaries of the Bruno and Theresa Guenther Trust Fund, Geithain, Saxony, Germany, and the person or persons, names unknown, having the management of the Bruno and Theresa Guenther Trust Fund, Geithain, Saxony, Germany, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7420; Filed, Aug. 17, 1948; 8:59 a. m.]

[Vesting Order 11799]

YUKIO FUKUHARA

In re: Bank account owned by Yukio Fukuhara. D-39-3358-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yukio Fukuhara, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Yukio Fukuhara, by Bank of America National Trust and Savings Association, 1 Powell Street, San Francisco, California, arising out of a checking account, entitled Yukio Fukuhara, maintained at the branch office of the aforesaid bank located at Vacaville, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7421; Filed, Aug. 17, 1948; 8:59 a. m.]